ALCOHOL INFORMATION COMMITTEE

THE "NOBLE EXPERIMENT"

IRVING FISHER
ASSISTED BY
H. BRUCE BROUGHAM

LIBRARY OF PRINCETON
JUL 8 1930
THEOLOGICAL SEMINARY

Division . HV5089
Section .F53

THE
"NOBLE EXPERIMENT"

THE ALCOHOL INFORMATION COMMITTEE

PURPOSE:

THE PURPOSE OF THE COMMITTEE IS TO PROMOTE, SPONSOR, AND DISTRIBUTE INFORMATION ON PROBLEMS CONCERNING BEVERAGE ALCOHOL AND THE WORKING OF THE EIGHTEENTH AMENDMENT.

ABBOT, MR. WILLIS J.
BLACKMAR, PROF. FRANK W.
BOGARDUS, PROF. EMORY S.
BROOKS, DR. JOHN GRAHAM
CALLAHAN, COL. P. H.
CAPPER, SENATOR ARTHUR
CARVER, PROF. THOMAS NIXON
CATT, MRS. CARRIE CHAPMAN
COCHRAN, MR. WILLIAM F.
COOPER, HON. JOHN G., M.C.
CURRAN, REV. FATHER J. J.
DEVINE, DR. EDWARD T.
DEXTER, DR. WALTER F.
EMERSON, DR. HAVEN
FARNAM, PROF. HENRY W.
FISHER, PROF. IRVING
FISK, DR. EUGENE LYMAN
FLINT, DR. CHARLES W.
GARRETT, MR. ROBERT
GEMMILL, JUDGE WILLIAM N.
GILLIN, PROF. J. L.
GREEN, DR. RUFUS L.
HALL, DR. WINFIELD SCOTT
HOLCOMBE, PROF. ARTHUR N.
HOLMES, PROF. SAMUEL J.
HOPKINS, JUDGE RICHARD J.
HUDSON, HON. GRANT M., M.C.
HUGHES, BISHOP EDWIN H.
JORDAN, DR. DAVID STARR
JUDD, MR. ORRIN R.
KELLOGG, DR. JOHN HARVEY
KELLY, DR. HOWARD A.
KNOLES, PROF. TULLY C.
LASKER, MR. BRUNO
LELAND, MR. HENRY M.
MCDOWELL, BISHOP WILLIAM F.
MILLER, DR. FRANK A.
MOORE, MR. E. C.
MONTGOMERY, MRS. WILLIAM A.
MOTT, DR. JOHN R.
MOULTON, DR. WARREN J.
MULHALL, MISS SARAH GRAHAM-
O'SHEA, PROF. M. V.
PEABODY, MRS. HENRY W.
PENNEY, MR. J. C.
PINCHOT, HON. GIFFORD
POLLOCK, DR. HORATIO M.
REINHARDT, PRES. A. H.
REMICK, JUDGE JAMES W.
ROBINS, COL. RAYMOND
ROSS, PROF. EDWARD A.
ROWELL, MR. CHESTER H.
SCOTT, MR. R. H.
SIMS, REAR ADMIRAL WILLIAM S.
SMITH, MR. HENRY LOUIS
SHEPPARD, SENATOR MORRIS
STEARNS, MR. ALFRED E.
SUMMERS, HON. JOHN W., M.C.
TAFT, MR. HORACE D.
TOWN, DR. CLARA HARRISON
WATSON, DR. FRANK DEKKER
WHITE, MR. WILLIAM ALLEN
WILEY, DR. HARVEY W.
WISE, RABBI STEPHEN S.
WOOLLEY, DR. MARY E.
WILBUR, DR. RAY L.
YOST, PROF. FIELDING H.
ZURCHER, REV. FATHER GEORGE

LIBRARY OF PRINCETON
JUL 8 1930
THEOLOGICAL SEMINARY

THE
"NOBLE EXPERIMENT"

BY
IRVING FISHER
PROFESSOR OF ECONOMICS, YALE UNIVERSITY

Assisted by
H. BRUCE BROUGHAM

ALCOHOL INFORMATION COMMITTEE
ONE-FIFTY FIFTH AVENUE, NEW YORK, N. Y.
1930

Copyright, 1930, by
IRVING FISHER

All rights reserved, including that of translation into foreign languages, including the Scandinavian

First Printing—March, 1930 (Before Publication)
Second Printing—April, 1930

Printed in the United States of America

TO THE MEMORY OF
WILLIAM HOWARD TAFT
WHO WAS LOYAL TO
THE EIGHTEENTH AMENDMENT

THE "NOBLE EXPERIMENT" IS PUBLISHED UNDER THE AUSPICES OF THE "ALCOHOL INFORMATION COMMITTEE," FORMED FOR THE PURPOSE OF PROMOTING THE DISTRIBUTION OF INFORMATION ON THE ALCOHOL QUESTION AND THE WORKING OF THE EIGHTEENTH AMENDMENT.

WHILE THE COMMITTEE IS ORGANIZED FOR THE PROMOTION OF SUCH LITERATURE, WE ALONE ASSUME FULL RESPONSIBILITY FOR ANY STATEMENT OF FACT CONTAINED IN THIS BOOK.

IRVING FISHER.
H. BRUCE BROUGHAM.

MARCH, 1930.

TABLE OF CONTENTS

Preface to the "Noble Experiment".... xxi
Preface to "Prohibition Still at Its Worst"..... xxiii
Introduction..... xxvii

Part I—The Noble Experiment

CHAPTER PAGE
I. As to Need for Relaxation?...... 3-14
WET VIEW..... 3-8
Starling's Conclusions..... 4
Danger Begins With Intemperance..... 5
Alcohol Causes Partial Paralysis..... 6
Artists Need No Alcohol..... 7
DRY VIEW..... 8-14
Other Means of Relief..... 9
Mass Existence Transformed..... 10
Effect of Focusing Energy..... 11
How Nerves Are Relaxed..... 12
Hazarding New Habits..... 13
II. In a High-Powered Age?..... 15-36
WET VIEW..... 15-26
Prohibition Enforced by duPonts..... 15
Assents to Prohibition by Employers..... 18
Mr. duPont's Personal Payroll..... 19
Question of Drink Before Driving..... 20
Most Drinking Is After Working Hours..... 21
Drinker Escapes the Law..... 22
Mr. Raskob Notes Lack of Respect for Law... 23
Pleads Personal Liberty..... 24
DRY VIEW..... 26-36
Menace of the Moderate Drinker..... 26
Power of State to Prohibit..... 28
Not Practicable to Prohibit Drinking..... 29
Motor-Car Heads Support Prohibition..... 30
New Diversions Supplant the Saloon..... 34
Moderate-Drinking Driver Menaces Safety.... 34

CHAPTER PAGE
III. In Its Effects on Youth?........ 37-54
WET VIEW.......................... 37-45
Lessened First Convictions in Pre-Prohibition New York.............................. 37
Arrests of Minors in Washington, D. C....... 39
Testimony of Salvation Army Officers........ 41
DRY VIEW.......................... 45-54
Wet in Sentiment, Dry in Practice........... 45
Fewer Drunken Fathers and Criminal Youth.. 48
Drink Not a Problem in High Schools........ 50
IV. In the Attitude of Physicians?.. 55-71
WET VIEW.......................... 56-61
Physicians Equally Divided on Alcohol as Medicine................................ 57
States Had Determined Question............. 59
Majority Opinion of Court Is Challenged...... 60
DRY VIEW.......................... 62-71
Alcohol Discarded as a Stimulant............ 63
Few American Physicians Prescribe Spirits.... 69
V. In Deaths from Alcoholism?..... 72-89
WET VIEW.......................... 72-79
World Death Rates from All Causes.......... 73
Rising Death Rate from Alcoholism.......... 74
Alcoholism Deaths in the United States and Canada................................ 75
Poisoned Beverages........................ 76
Alleged Poisonous Quality of Liquor.......... 77
DRY VIEW.......................... 79-89
Aged Liquor More Poisonous Than Unaged.... 81
Death Rate Highest in Nullification Area...... 82
Alcoholic Mortality in the United States...... 83
Prohibition Lightens Mortality of Women and Children.............................. 85
Alcohol Characterized a Slower Age.......... 88
VI. In Poverty, Crime and Disease?...90-106
WET VIEW.......................... 90-96
Reports of Increased Crime................. 90
Reports of Alcoholic Diseases............... 93

CHAPTER PAGE

DRY VIEW........................ 96-106
Alcoholic Diseases Lessened for Nation as a Whole.................................. 97
Crime and the Eighteenth Amendment....... 100
Less Alcoholism, Less Poverty.............. 104

VII. IN INCREASED DRUNKENNESS?.....107-128
WET VIEW........................ 107-114
New York City Comparatively Sober....... 108
Increasing Addicts and Drunken Drivers..... 112
DRY VIEW........................ 114-128
Enormously Increased Price of Drinks....... 116
Increased Strictness of Police in Arrests for Intoxication.......................... 119
Drunken Drivers and Keeley Cures......... 123

VIII. IN EMPLOYMENT AND INDUSTRY...129-149
WET VIEW........................ 129-135
Economic Gains Not Exactly Measurable.... 130
Economic Waste of Bootleg Traffic......... 132
Loss from Illegally Diverted Alcohol........ 133
DRY VIEW........................ 135-149
Six Billion Estimate Still Seems Safe........ 136
Recent Reports on "Moderate" Drinking.... 139
Alcohol Diversion Cut Off.................. 146

IX. IN CORRUPTION OF PROHIBITION AGENTS? 150-166
WET VIEW........................ 150-156
Record of Shootings and Corruption........ 152
Telephonic Eavesdropping................ 154
DRY VIEW........................ 156-166
Dry Unit Now Divorced from Politics....... 161
Old Prohibition Force Not All Bad......... 164

X. IN APPROPRIATIONS FOR ENFORCEMENT? 167-183
WET VIEW........................ 170-175
What Price Enforcement in New York?...... 171
Prohibition Agent's Experience............. 173

CHAPTER PAGE

DRY VIEW.......................... 175-183
Federal and Local "Passing of Buck"........ 180
The Promise of Changed Conditions........ 182

XI. IN SMUGGLING AND ILLEGAL DIVERSION OF ALCOHOL? 184-197

WET VIEW.......................... 184-190
Detroit as a Port for Contraband........... 185
Estimated Liquor Turnover in Detroit...... 189
Rum Shipments into New York............ 189

DRY VIEW.......................... 190-197
Dwindling of "Rum Row"................. 193
Commissioner Doran Testifies.............. 194
Illicit Industry Now on Small Scale......... 197

XII. IN A TYPICALLY DRY STATE?......198-223

WET VIEW.......................... 198-206
Before Eighteenth Amendment, Dry North Carolina Did Well...................... 199
Change for Worse After 1920.............. 201
Arrests for Intoxication in North Carolina... 202
Amount Spent for Enforcement by the U. S. Prohibition Unit in North Carolina....... 203
Evidence of Increased Violations of Law.... 204

DRY VIEW.......................... 206-223
Dry Majority Approves Results............ 208
Improvement of Gaston County............ 210
Phenomenal Statewide Progress............ 212
Records of Decreased Mortality............ 216
Total Mortality and Mortality from Certain Causes................................ 217
Death Rates from Alcoholism and Cirrhosis of the Liver in the United States, North Carolina and Connecticut.................... 220

XIII. IN A TYPICALLY WET STATE?......224-245

WET VIEW.......................... 224-230
State Opinion Rejects Prohibition.......... 225
Hostile Courts and Juries.................. 227
A Demoralizing Business.................. 229

CHAPTER PAGE
DRY VIEW........................ 230-245
Reduction in Death Rate.................. 231
Statistical Exhibit—Connecticut........... 237

XIV. IN THE NATION'S CONSUMPTION OF ALCOHOL? 246-290

WET VIEW........................ 246-256
Estimated Consumption—Year Ended June 30, 1926 (Estimate by Hugh F. Fox)...... 248
Rejects "American Brewer" Estimate....... 248
Estimate Based on Hop Crop.............. 249
The Hop Production (Estimate by Hugh F. Fox).................................. 250
Wine Consumption (Estimate by Hugh F. Fox).................................. 252
Adopts Buckner Figures as Basis........... 252
Production and Consumption of Distilled Spirits (Estimate by Hugh F. Fox)....... 254
A Post-Prohibition Increase............... 255

DRY VIEW........................ 256-290
1918 Not Normal Pre-Prohibition Year...... 256
Hops Used by Home-Brewers.............. 260
Estimate of Probable Consumption of Malt Liquors in the United States............ 265
Estimate of Probable Consumption of Wine in the United States...................... 277
Distilled Spirits.......................... 278
Estimated Total Consumption............. 286
Estimated Per Capita Consumption of Absolute Alcohol in Beer, Wine, Distilled Spirits, and Aggregate......................... 287
Estimate of Aggregate Probable Consumption of Absolute Alcohol in Malt Liquors, Wines, and Distilled Spirits in the United States... 289

XV. IN PUBLIC SENTIMENT? 291-307

WET VIEW........................ 291-296
Hysteria Produced National Prohibition?.... 292
State Referenda.......................... 293
Wet Prospects in Light of Popular Votes..... 295

DRY VIEW........................ 297-307
Alfred E. Smith as Wet Champion.......... 297

CHAPTER PAGE
Increased Dry Majority in Congress........ 303
The "Wet Fringe"........................ 305
Prohibition "Waves"..................... 306

XVI. In Education for Temperance?..308-322
WET VIEW........................ 308-313
"Unscientific" School Textbooks............ 308
Scientific Experiments..................... 309
The Pearl Experiments...................... 310
Modern Experiments Recording "Benefits"... 311
Temperance Teaching...................... 312
DRY VIEW........................ 313-322
Instruction in Schools...................... 313
Counter-Effects of Liquor Campaign........ 316
A Modern Temperance Program............ 317
Shortened Life of "Moderate" Drinkers...... 319
Professor Westergaard's Criticism........... 320
Teaching of Total Abstinence Justified...... 321

XVII. In the Light of Canada's Experience? 323-360
WET VIEW........................ 323-333
Intoxicating Liquors are the Goal.......... 324
Hours of Sale.............................. 327
Permits.................................. 328
Interdicts................................ 328
Licenses................................. 328
Local Option.............................. 329
Taverns.................................. 330
Consumption of Liquor..................... 331
Sales of Spirits, Wine, and Beer in Quebec... 331
Imperial Gallons.......................... 332
Consumption of Alcohol.................... 332
DRY VIEW........................ 333-360
No Leeway in Scientific Definition.......... 333
Increased Sales............................ 336
Bootleggery.............................. 339
Night Clubs and Road Houses............. 343
Law Loosely Observed in Cities............ 344
Cancellation of Permits.................... 347
Experience in Quebec...................... 347
The Government Stores.................... 348
Convictions for Indictable Offenses in the Provinces of Canada.................... 350

CHAPTER PAGE
Health Conditions in Quebec.............. 352
Motor Accidents.......................... 356
Prosecutions for Violations of Liquor Laws... 358

XVIII. In the Light of British Experience? 361-376
WET VIEW.......................... 364-370
Convictions for Drunkenness in England and Wales.................................. 366
Death Rates from Alcoholism and Cirrhosis of the Liver in England and Wales.......... 367
Consumption of Absolute Alcohol in the United Kingdom......................... 367
DRY VIEW.......................... 370-376
Per Capita Consumption of Spirits, Wine, and Beer in the United Kingdom............. 371
Rates of Arrests or Convictions for Intoxication..................................... 372
Death Rates from Alcoholism and Cirrhosis of the Liver in England and Wales.......... 374

Part II—What Shall We Do About It?

XIX. Can Prohibition Be Repealed?..379-397
WET VIEW.......................... 379-387
Substitute for Prohibition Is Offered........ 379
Rights of Wet States Asserted.............. 381
Smith Makes a Promise.................... 382
Appeals in Behalf of Parents............... 383
Referendum Frown on Prohibition.......... 386
DRY VIEW.......................... 387-397
"Keep Liquor Away from Them"........... 388
Forty-six States Hard to Move............. 389
Legislative Majority Votes Dry............ 391
The Question of Fair Play................. 393
Dry States Confirmed in Their Dryness...... 395

XX. Can Prohibition Be Modified or Nullified? 398-415
WET VIEW.......................... 398-406
Object Is to Nullify the Intent............. 399
Would Define Intoxicating Content......... 401

CHAPTER PAGE

Wets Generally Would Nullify.............. 402
Christian Martyrs Were Nullifiers.......... 403

DRY VIEW.......................... 406-415

Reds and Other Law Defiers................ 407
"An Old Man's View" for Violation......... 409
Did the Fathers Die for Drinker's Right?.... 411
Did We Want a Liquor President?.......... 414

XXI. Can Prohibition Be Enforced?..416-441

WET VIEW.......................... 416-424

Enforcement vs. Bill of Rights............. 417
Laws Enforced by Willingness.............. 418
Enforcement With 2.75 Per Cent Beer....... 419
Drastic Definition of Intoxicant............ 421
Nullification or Repeal Is Sought.......... 422

DRY VIEW.......................... 424-441

Compelling Influence of Public Sentiment.... 424
Evils are Exaggerated..................... 434
Drunks Found No More in Gutter.......... 436
Cannot Enforce by Making Law Moist...... 437
Example of Pennsylvania.................. 438

XXII. Conclusions and Suggestions....442-455

Industry Enforces Private Prohibition....... 442
Opinion Sanctions Public Prohibition........ 444
Canadian and British Conditions Not Preferable.................................. 446
Bettered Enforcement, Lessened Consumption 447
Economic Gains Are Undisputed........... 449
Recent Substitutes for the Saloon........... 449
Summary................................. 454
Letter from William H. Taft............... 457

List of Authors, Titles, and Publishers.459-464

Index..................................465-492

LIST OF TABLES, GRAPHS, AND ILLUSTRATIONS

TABLES

NUMBER PAGE

1. Alcoholic Treatment of Diphtheria 67
2. Alcoholic Beverages Prescribed in Paris Hospitals 68
3. Alcoholic Beverage Consumption in Paris Hospitals 68
4. World Death Rates from All Causes 73
5. Patients in Hospitals for Mental Disease 98
6. Intemperance as a Factor in Dependency 102
7. Prices of Alcoholic Beverages Before and During Prohibition 115
8. Arrests for Intoxication in the United States 124

8*a*. Admissions of Inebriates to the Washingtonian Home of Chicago 128

8*b*. Prohibition Bureau—Appropriations and Expenditures 183

9. Estimated Liquor Turnover in Detroit 189
10. Arrests for Intoxication in North Carolina 202
11. Amount Spent for Enforcement by the U. S. Prohibition Unit in North Carolina 203
12. Rates of Convictions by the Office of the Attorney General for Selling Intoxicating Liquor in North Carolina, 1898–1914 204
13. Rates of Convictions by the Office of the Attorney General for Selling Intoxicating Liquors in North Carolina, 1914–1928 205
14. Statement of Number of Arrests, Seizures, etc., by Federal Prohibition Directors and by General Prohibition Agents in the State of North Carolina 207
15. Total Death Rates and Rates for White and Colored Population in the United States, North Carolina, and Connecticut 219
16. Death Rates from Alcoholism and Cirrhosis of the Liver in the United States, North Carolina, and Connecticut 220
17. Fatalities from Automobiles in the United States, North Carolina, and Connecticut 221

NUMBER PAGE
18. Admissions of Patients to Two State Hospitals for the Insane, North Carolina.... 223
19. Death Rates in Connecticut.... 233
20. Motor Vehicle Registration, Operators, Accidents, and Fatal Accidents in Connecticut.... 240
21. Admissions to Connecticut State Hospitals.... 242
22. Commitments to Jails in Connecticut and Habits of Prisoners.... 243
23. Arrests for Intoxication in Connecticut.... 244
24. Estimated Consumption—Year Ended June 30, 1926 (Estimate by Hugh F. Fox).... 248
25. The Hop Production (Estimate by Hugh F. Fox).... 250
26. Wine Consumption (Estimate by Hugh F. Fox).... 252
27. Production and Consumption of Distilled Spirits (Estimate by Hugh F. Fox).... 254
28. Correcting the Fox Estimates of Hops Available for Beer Production.... 261
29. Estimate of Probable Consumption of Malt Liquors in the United States (Estimate of Robert E. Corradini).... 265
30. Grapes: Estimated Commercial Production in California, by Class, 1899–1928.... 269
31. Estimate of Probable Consumption of Wine in the United States (Estimate of Robert E. Corradini).... 277
32. Estimate of Probable Consumption of Distilled Spirits in the United States (Estimate of Robert E. Corradini).... 285
33. Estimate of Aggregate Probable Consumption of Absolute Alcohol in Malt Liquors, Wines, and Distilled Spirits in the United States (Estimate of Robert E. Corradini).... 289
34. Permits Granted in the City of Montreal.... 335
35. Permits Granted—District of Montreal and District of Quebec.... 336
36. Sales of Wines and Spirits by the Quebec Liquor Commission.... 337
37. Liquor Sales in the Province of Quebec.... 337
38. Convictions for Drunkenness in the Provinces of Canada.... 351
39. Prosecutions for Violations of Liquor Laws.... 358
40. Convictions for Drunkenness in England and Wales.... 366
41. Death Rates from Alcoholism and Cirrhosis of the Liver in England and Wales.... 367
42. Consumption of Absolute Alcohol in the United Kingdom. 367
43. Rates of Arrests or Convictions for Intoxication (New York City, Greater London, Paris, Liege).... 372

GRAPHS

NUMBER PAGE

1. Alcoholic Mortality in the United States, Eastern States, and Dry States.......... 83
2. Alcoholic Mortality in Certain Wet States and Dry States. 83
3. Percentage of Divorces Caused by Drunkenness in the United States.......... 106
4. Arrests for Intoxication in the United States.......... 120
5. Growth of Per Capita Savings in the United States—in 1913 Dollars.......... 149
6. Total Mortality and Mortality from Certain Causes..... 217
7. Death Rates in Connecticut.......... 237
8. Rates of Jail Commitments in Connecticut.......... 241
9. Habits of Jail Inmates in Connecticut.......... 241
10. Estimated Per Capita Consumption of Absolute Alcohol in Beer, Wine, Distilled Spirits, and Aggregate.......... 287
11. Estimated Toxicity Curves of Distilled Spirits, Wine and Cereal Beverages, and of Aggregate in the United States 288
12. Convictions for Indictable Offenses in the Provinces of Canada.......... 350
13. Per Capita Consumption of Spirits, Wine, and Beer in the United Kingdom.......... 371
14. Rates of Arrests for Intoxication—New York, Los Angeles, and Boston.......... 373
15. Rates of Arrests or Convictions for Intoxication—Paris, Liege, and London.......... 373
16. Death Rates from Alcoholism and Cirrhosis of the Liver in England and Wales.......... 374

ILLUSTRATIONS

NUMBER PAGE

1. Alcoholism Means Death to the Nation.......... 353
2. Instead of the Saloon, The "Tavern" in Montreal.......... 359
3. Government Dispensaries Have Not Abolished "Home Brew" in Toronto.......... 359
4. A Beer Restaurant in Montreal.......... 360
5. Brewery Truck Comes Into Its Own in Montreal.......... 360

PREFACE TO THE ''NOBLE EXPERIMENT''

Following ''Prohibition Still at Its Worst,'' this book is designed to bring the subject up to date after the Presidential campaign of 1928, when the Prohibition issue was before the nation, and with reference to measures taken by the Hoover Administration.

An Introduction is included, embodying a proposal submitted by Irving Fisher and Associates in the Durant Competition for the ''best and most practicable plan for making the Eighteenth Amendment effective.'' This plan did not receive the award. But as it proposes the establishment of a national commission on lines subsequently laid down by President Hoover, it is included for its detailed suggestions to bring into sharp focus knowledge about defects and abuses in application of the Amendment; to appraise them, and to present the findings as a basis for public and private policy-making.

The present book follows the plan of ''Prohibition Still at Its Worst,'' in which both sides of the Prohibition question were given. The text has been completely rewritten. We have taken the opportunity to add several new chapters, also many tables and graphs, an index, and references. One important feature of the edition is its analytical index, which, we hope, may prove of special utility to those who are making a study of the leading arguments, with the facts adduced in their support, by those opposed to the Eighteenth Amendment and by those who uphold it.

IRVING FISHER.
H. BRUCE BROUGHAM.

March, 1930.

PREFACE TO "PROHIBITION STILL AT ITS WORST"

In preparing "Prohibition Still at Its Worst" as a sequel to "Prohibition at Its Worst," I sent an identical letter, of which the following is a specimen, to representatives of the leading organizations opposing and upholding the Eighteenth Amendment and the Prohibition Statutes, Federal and State:

Text of Letter

> I am enclosing herewith an outline, in chapter headings, of my book, "Prohibition Still at Its Worst," which is now in preparation.
>
> In this book I shall assume, wherever the facts warrant the assumption, with respect to the enforcement of Prohibition, Federal and local; the prevalence of drunkenness, disease, poverty and crime due to lax enforcement, and demoralization of the youth of the United States, that conditions have not bettered since the publication, in 1926, of my first book, "Prohibition at Its Worst."
>
> Even if the facts should show that conditions have worsened instead of bettered or remained the same, it is my intention to publish them no matter how damaging they may prove to the cause of prohibition or how fully they justify the title of my book.
>
> In each chapter, which will be approximately two thousand words long, the first half will be devoted to as strong a statement

as the facts themselves will permit for the case of prohibition still at its worst. In the preparation of statements, I have endeavored to obtain all the available data thus far published or issued. As a political economist and statistician, I wish to give my best efforts to strengthen such statements and to that end I solicit the personal aid of members of the Executive Committee and Directors of the Association Against the Prohibition Amendment.

The second half of each chapter will contain as strong a statement of countervailing facts as I can obtain with the aid of responsible officials of the Anti-Saloon League and kindred organizations and their supporters. In this statement, as in the first, I will give my best efforts as a political economist and statistician to make the presentation effective.

In preparing neither of the two statements under each subject heading will opinions be sought, but only facts, which must be allowed to speak for themselves.

For expression of opinions of my own, I reserve only the final chapter entitled "Confessions and Conclusions." This chapter, like the rest, will be limited to two thousand words. In it I intend to admit the force of certain criticisms of my earlier book, "Prohibition at Its Worst," and to state my conclusions upon the facts as presented in the later book.

In this spirit of fair and impartial inquiry into a subject that is of vital interest to the

> nation, I confidently ask your aid as a public-spirited citizen and responsible official of the Association Against the Prohibition Amendment.
>
> From the sale of this book I shall reap no profit, and any returns beyond expenses will be devoted solely to its further circulation. The manuscript should be ready, if possible, by June 15th, next. Please let me know at your earliest convenience whether you can perform this public service.

After each chapter was drafted I sent a further letter to a list of Wet and Dry authorities, including those on whom I had drawn, asking further suggestions before sending the MS. to the printer. This request was made of all my correspondents.

My own opinions of the facts thus elicited on both sides are to be found in the last chapter headed "Confessions and Conclusions."

The conception and plan of the book are in response to what I consider to be a fair criticism of my earlier book, "Prohibition at Its Worst," that in it I made no attempt to summarize the evidence which the opponents of prohibition have marshaled.

In the present book I have tried thoroughly to correct this fault, and to present both sides without prejudice. How successfully I have done this is for the reader to judge.

Yale University. IRVING FISHER.
New Haven, Conn., October, 1928.

INTRODUCTION

AT THE ROOT OF THE PROHIBITION CONTROVERSY ARE THE QUESTIONS WHETHER "MODERATE" ALCOHOLIC DRINKING IS INHERENTLY HARMFUL, AND WHETHER PROHIBITION IN ITS ASPECT OF COMPULSION IS DESTRUCTIVE OF RESPECT FOR LAW.

PRESIDENT HOOVER'S ADMINISTRATIVE POLICY

Herbert Hoover announced the cardinal principle of his Administration in his campaign address at St. Louis, November 2, 1928. He defined it, in spirit, as that of cooperation, not compulsion.

Discussing what he declared to be the "principles which must underlie the relation of government to the constructive tasks which confront us," Mr. Hoover stressed the element of cooperation as peculiar to the American political, social, and economic system. It is that of "joint effort" between capital and labor, he said; our political system "is unique because of its decentralization of self-government"; because of its ideal of equality before the law "we have no frozen classes or stratification of caste," hence individual "initiative and talents" are the dominant social criterion. The cooperative spirit, he insisted, "can assist in the cure of abuses by the voluntary establishment of a higher code of ethics and a stricter standard in the conduct of business."

It was natural, therefore, that in his inaugural address March 4, 1929, President Hoover should stress this voluntary principle in law observance. Addressing his countrymen, wet and dry, he said:

> I have been selected by you to execute and enforce the laws of the country. I propose to do so to the extent of my own abilities, but the measure of success that the government shall attain will depend upon the moral support which you, as citizens, extend.
>
> The duty of citizens to support the laws of the land is co-equal with the duty of their government to enforce the laws which exist. No greater national service can be given by men and women of good will—who, I know, are not unmindful of the responsibilities of citizenship—than that they should, by their example, assist in stamping out crime and outlawry, by refusing participation in and condemning all transactions with illegal liquor.

Mr. Hoover's career is studded with examples of his selection of representative ''men and women of good will'' to lead in works of cooperative national service. In his inaugural address he announced:

> I propose to appoint a national commission for a searching investigation of the whole structure of our Federal system of jurisprudence, to include the method of enforcement of the Eighteenth Amendment and the causes of abuse under it. Its purpose will be to make such recommendations for reorgan-

ization of the administration of Federal laws and court procedure as may be found desirable.

This purpose the President carried out on May 20, 1929, in the appointment of ten eminent lawyers and one woman educator, headed by George W. Wickersham of New York, who served as Attorney General under President Taft. Mr. Wickersham's associates are Newton D. Baker, ex-Secretary of War; Frank J. Loesch, Vice President of the Crime Commission of Chicago; Roscoe Pound, Dean of the Harvard Law School; William I. Grubb, Federal Judge of the northern district of Alabama; Monte M. Lemann, President of the Louisiana Bar Association; William S. Kenyon, Judge of the United States Circuit Court of Appeals; Kenneth R. Mackintosh, formerly Chief Justice of the State of Washington; Paul J. McCormick, Federal District Judge for the Southern District of California; Henry W. Anderson, formerly special assistant to the Attorney General of the United States, and Ada L. Comstock, President of Radcliffe College.

Meanwhile, signs of the voluntary cooperation which Mr. Hoover seeks are not lacking. For example, Mrs. Edward McLean, wife of the wealthy newspaper publisher of Washington, D. C., has set the precedent of omitting to serve alcoholic beverages to her guests. Mrs. McLean's example has been followed by Mrs. George H. Strawbridge, prominent in Philadelphia society, who has sent a letter to a number of women, asking them to refrain from serving alcoholic drinks at social functions "in order to create a sentiment for prohibition in support of President Hoover's efforts to make the Prohibition law effective." Sir Esme Howard, British Ambassador, early in June, 1929, informed members of his diplomatic staff that thereafter he would refuse to sign requests for shipments of alcoholic liquors, and this was followed by an intimation by Ambassador Dawes in London that he would no longer serve liquor at the Embassy in Prince's Gate.

Prior to the Presidential election, W. C. Durant, automobile manufacturer, offered, August 27, 1928, a prize of $25,000 for the best and most practicable plan to make the Eighteenth Amendment effective. Anticipating Mr. Hoover's inaugural statement, Mr. Durant declared law observance to be the country's chief problem. He held that business leaders were largely responsible for widespread crime, and that flagrant violations of the Eighteenth Amendment by big business men had set an example of lawlessness. Demanding fair trial for the law, Mr. Durant summoned leaders of public sentiment to devise an effective plan.

A committee of eminent men and women announced, on the following December 25, that Major Chester P. Mills, formerly Federal Prohibition Administrator for the New York District, had won this prize among 23,230 contestants from every State in the Union, every American territorial possession, Canada, and foreign nations. Mr. Durant wrote to Major Mills:

> To win a national contest of this scope, conducted under these conditions, is an achievement of which you have a right to be proud. It is fitting and natural that the winning plan for enforcement should originate from a man with an honorable record as enforcement officer in the Federal prohibition service.

Major Mills' plan presents, in detail, his method of preventing the diversion of industrial alcohol at its sources, which he held to be mainly responsible for the bootlegger. Prohibition Commissioner Doran, it is true, questioned the pertinency of the Mills plan with the statement that "Two years ago our problem was the diversion of industrial alcohol. Our problem now is the illicit manufacture of 'wildcat' alcohol." L. E. Hampton, assistant chief counsel of the Prohibition Unit of the Treasury, denied that diversion of denatured alcohol was ever a very considerable source of supply of bootleg liquor in the greater part of the country. To these objections Mr. Durant replied:

> Many of the comments on the Mills plan are based upon the unfair assumption that it deals alone with diversion of industrial alco-

> hol. Control of this, as a matter of fact, was developed by Major Mills in detail as an illustration of what could be done to devise similar control of other chief sources of liquor supply. That industrial alcohol is a very real problem to the Prohibition Bureau is abundantly proved by expert testimony in this volume.[1] I am informed that the Prohibition Bureau finds control of this source of illicit liquor a difficulty in twelve States which contain sixty per cent of the country's population.

But the winning plan necessarily dealt with that small percentage of our people who are of criminal mind, and to whom, in President Hoover's words, ''there can be no appeal but vigorous enforcement of the law.'' It omits entirely consideration of methods of securing cooperative leadership in law observance. Possibly with this in mind Mr. Durant, in his edition of contestant papers, states:

> I included the plans of Robert M. Davis, (1, pp. 186-194), Editorial Council McGraw-Hill Publishing Company, and Irving Fisher and Associates (1, pp. 232-239), New Haven and New York, because those two papers contained specific and detailed proposals for an

---

[1] "Law Observance: Shall the People of the United States Uphold the Constitution?" Edited by W. C. Durant. Durant Award Office, 250 West 57th Street, New York, N. Y. This includes a selection of the plans submitted, including the essay that won the school prize of $5,000, awarded to the Palo Alto high school; of this amount, $4,000 went to the school and $1,000 to the author of the prize essay, Malcolm D. Almack (1, pp. 63-68), a fifteen-year-old high-school junior, son of Professor John C. Almack, of Stanford University's Department of Education.

> investigation into the facts of prohibition such as Mr. Hoover has announced he would cause to be made.

For the same reason, and because the plan prepared by the author and his associates embodies President Hoover's principle of organized voluntary cooperation among the leaders of national and local opinion, its text is subjoined.

A PLAN TO MAKE THE EIGHTEENTH AMENDMENT EFFECTIVE

By Irving Fisher and Associates

(Submitted December 1, 1928, to Durant Award Committee)

To the Committee on Award:

It is suggested, as adding to the practicability of this Plan in case it receives the award, that it be not published; instead, that it be handed to the President-elect for such use as he may be disposed to make of it in shaping his Administration program for dealing with the problem of the Eighteenth Amendment.[1]

---

[1] Following the award to Major Mills, the Fisher plan was published in the Congressional Record, January 11, 1928, page 1620, at the request of United States Senator Wesley L. Jones of Washington, and in Mr. Durant's book on "Law Observance," February, 1929, issued by the Durant Award Office (1, pp. 232-239.)

The most practicable plan to make the Eighteenth Amendment effective should be fitted, as nearly as possible, to the policy and methods of the incoming President. That policy, as Mr. Hoover has declared it, is primarily opposed to coercion, bureaucratic extensions, and centralization. Instead, it is a policy of

> (1) informing the nation, scientifically and from unbiased sources, of defects and abuses in the application of the Eighteenth Amendment, and
>
> (2) invoking the power of informed leadership to remedy the abuses and through organized, voluntary effort to secure general observance of the law.

In his administrative work the President-elect has invariably offered cooperation to representative groups of men and women in states and local communities. By employing the principles of decentralized organization, leaving the execution of details to local autonomy, and of cooperation through volunteer committees of leading citizens, Mr. Hoover succeeded largely in regulating the food supply of scores of millions of people in Europe during and after the war; in forming and conducting the United States Food Administration, and in reorganizing the Federal Department of Commerce. He has announced these principles as the heart of his policy during the next four years.

It is inherently improbable, therefore, that any plan to make the Amendment effective will be practicable if it fails to embody the principles whereby Mr. Hoover habitually centralizes ideas and decentralizes their execution through organized leadership among states and local communities.

Accordingly, the present Plan proposes the establishment of a President's Conference on Effectuating the Eighteenth Amendment, composed of a standing committee and subordinate committees of the type of President Harding's Conference on Unemployment, of which Mr. Hoover was appointed Chairman.

The proposed Conference would organize (1) a survey of defects and abuses in applying the Eighteenth Amendment, and (2) a concerted appeal for leadership, through all appropriate agencies of the nation, in correction of abuses and in general observance of the Amendment.

Personnel of Conference and Survey

For the proposed Survey, the Conference should create a staff in large part from such organizations as the National Bureau of Economic Research, the Russell Sage Foundation, American Engineering Council and government departments. Committees of the Conference and collaborating editors under legislative, administrative and judicial headings should be drawn from bar associations and government; those under heads of social derelictions of observance, from universities, educational associations, faculties of medical schools and hospitals, federations of women's clubs, social settlements, religious and ethical bodies; and those under business and industrial headings from business men's associations and foundations for economic research.

Organization to effectuate the Eighteenth Amendment according to this principle should win cooperation of certain leaders in business, education and law who oppose bureaucratic force in administering the Amendment. Appointment of such leaders to Conference Committees would tend to harmonize all leadership, including that of the press, motion picture chains and radio networks, in support of the expressed will of the people and in aid of their elected executives. If by such cooperation the habit of abstinence can be inculcated among the rank and file of the people, the spirit of the Amendment will be subserved, and legislative, executive and judicial problems under it will be vastly simplified.

I. A SOCIAL AND ECONOMIC RECONNAISSANCE SURVEY

Methods of Proposed Survey

Mr. Hoover defines National Prohibition under the Amendment as a "great social and economic experiment"; he urges, as the first step toward its constructive working out, an "organized, searching investigation of facts and causes" of well-recognized abuses.

His methods in conduct of social and economic investigations, successfully applied in cases enumerated in his speech at St. Louis on November 2, 1928, are not those of political committee hearings; they are methods of engineering management. The methods required for the proposed Survey are those described by Edward Eyre Hunt, of the Department of Commerce, in the paper and accompanying discussion entitled "Notes on Economic and Social Surveys," Taylor Society Bulletin, February, 1928. Inclusive of raising necessary funds and organizing personnel, they are of the kind embodied in the current "Survey of Recent Economic Changes in the United States" undertaken by request of Mr. Hoover as continuing head of President Harding's Unemployment Conference, by the National Bureau of Economic Research.

Time and Scope of Proposed Survey

The Survey would be designed to bring into sharp focus knowledge about defects and abuses in application of the Amendment; to appraise them, and with all reasonable expedition to present the findings as a basis for public and private policy-making. The Survey should be arranged according to a time schedule as recommended by the Conference.

In the interest of dispatch such a Survey cannot undertake, although it will suggest detailed new investigations and research, which should be prolonged under a continuing organization. But this should not be allowed to postpone preparation of the report on the basis of existing knowledge, its publication and action thereon with all convenient speed.

Main Subdivisions of Proposed Survey

Preliminary survey of conditions, 1900-1929; State Prohibition, local option, Government dispensaries (South Carolina), and licensed saloon, 1900-1916; war-time restrictions of liquor traffic, 1917-1919; Eighteenth Amendment and concurrent State laws, 1920-1929. Contrast should be drawn between courses adopted toward liquor traffic in United States and other countries—especially, Canada.

1. Legislative, administrative, judicial.

(a) Legislative. Defects in Volstead act as to:

Minimum and maximum penalties. Arrests, search and seizure; legal rights to seized liquors. "Double jeopardy." Injunction and abatement. Tenure and removal of enforcement officers. Control of industrial alcohol distilleries and warehouses. Permits to manufacture articles containing alcohol; forfeiture. Use of United States marshals and their deputies as enforcement officers. Courts of inquiry respecting violations of law. Summoning of witnesses. Contempt. Evidence relating to sales, manufacture, transportation, possession of intoxicating liquor; evidence of instruments or materials for making same. Permits for non-alcoholic malt beverages. Alcoholic liquors ''fit for use'' as a beverage.

Inadequacy of appropriations and salary schedules, State and Federal. Comparison of Volstead act with body of Federal statutes formerly controlling liquor manufacture, possession, transportation and sale, made inoperative by Volstead act under Section 9, Title III. Regulations ''in addition to existing law'' under executive discretion of Treasury Department. Relation of Prohibition Unit to Treasury Department; practicability of making Unit independent bureau, or placing it under Department of Justice.

Comparison of Volstead act and existing State enforcement laws. Consequences of repeal or omission to enact State codes—New York, Maryland, Nevada, Montana; lack of sufficient Judges, prosecutors, enforcement officials and agents. Practicability of adopting each State code as Federal law in lieu of Volstead act within State bounds, leaving Volstead act to apply within States and possessions lacking enforcement codes. Possibility of Federal government cooperating rather than competing with States, and assisting them financially, with main reliance on administrative machinery of local government.

Treaties with foreign nations for cooperation; infringement of twelve-mile limit.

(b) Administrative. Corruption, crimes of

Prohibition agents. Wire-tapping. ''Undercover'' agents. *Agents provocateurs.* Civil service regulations; examinations. Personnel selection, training, experience among agents and officials. Cooperation of Department of Justice with Prohibition Unit; instructing, training agents. Morale contrasted with that of Secret Service. Concentrating forces in wet districts. Cooperation with local officials.

(c) Judicial. Inadequate courts, State, Federal, handling cases. Jury trials. Lack of verbatim reports of Federal grand juries. Abuses of judicial discretion: Inadequate penalties; over-emphasis on technicalities; abuse or insufficient use of injunction clauses. Delays. Insufficient bail bonds. Connivance at perjury and conspiracy by lawyers for defense; tampering with government witnesses. Lack of rules governing disbarment proceedings for offenses against Federal courts. Election, appointment, impeachment of Judges, State and Federal.

2. Social derelictions of habit and observance; health; education.

Attitude of ethical and religious leaders and organizations, social settlements, men's and women's clubs and organizations toward Eighteenth Amendment; of associations against Amendment; of physicians toward restricting prescriptions. Drinking in colleges, high schools, at private tables, social gatherings. Social clubs. Speakeasies. Bootlegging, home brewing, home distilling. Smuggling. Illegal diversion: sacramental wines, industrial and medicinal alcohol. Public education in light of scientific findings regarding effects of alcohol in (a) wines, (b) malt and (c) spirituous beverages. Tests of efficiency among drinkers and abstainers in athletic sports and industrial occupations. Accidents from (a) moderate, (b) heavy drinking by motor-car drivers. Effects of moderate drinking in a high-powered age. Findings of insurance companies, other agencies and individuals on life expectancy of (a) abstainers; (b) moderate drinkers; (c) heavy drinkers. "Bootleg" beverages; toxicity. Diseases and deaths of men, women and workers as affected by alcoholism (a) before and (b) after adoption of Amendment; (c) compared with statistics of other countries. Poverty, dependency, crime, industrial accidents.

3. Deficiencies of law observance in business and economic practice as to:

Contract relation between employers and employees regarding abstinence. Concerns requiring abstinence: Transportation, public utilities, manufacturing, mining industries; shops, department and chain stores. Rules governing personal habits of employers and managers. Moral, material support of Amendment by organizations specially benefiting by abolition of liquor traffic: Mining, transportation, motor-car, radio, motion picture, electric appliances, soft drinks, food and dairy products, confectionery, ice cream industries; chain and department stores; installment finance companies. Labor unions, company and mutual benefit associations (a) requiring abstinence; (b) supporting Amendment. Brewers and distillers; attitude toward companies requiring abstinence; blacklisting. Salvaging of plants of brewers and distillers, and of crops formerly devoted to producing alcoholic beverages.

Conclusion. Chief elements of problem under above headings appraised and interrelated.

II. CONCERTED APPEAL FOR LAW OBSERVANCE AND REMEDY OF ABUSES

The Conference recommendations on the Survey, as approved, should be carried out by the central committee, its subcommittees, and coordinate committees working through all appropriate existing agencies throughout the States and their subdivisions.

For example, the legislative, executive and judicial committees should bring the Conference recommendations before their respective municipal and State legislatures and Congress for appropriate action; and before municipal, State and Federal administrations and the local and Federal judiciary. They should cooperate with commercial, industrial, scientific, educational, moral, and religious bodies in organizing public sentiment favorable to needed measures.

Committees on social derelictions, health and education should employ Conference funds in behalf of general abstinence from intoxicants and law observance, by means of newspaper and magazine advertisements, posters, motion pictures, speeches and communications to the press; arranging cooperative meetings with editors and publishers; and by addresses of leaders and experts transmitted over radio networks and by ''sound pictures.'' Educational committees should urge systematic scientific instruction regarding physiological and psychological effects of alcohol in public and private schools and colleges. Committees of women's social organizations should reach their memberships by thorough canvasses for agreements by social leaders (not, necessarily, personal abstinence pledges) to discontinue serving intoxicants at private tables and social gatherings.

The committees of business and industrial associations, cooperating with labor committees, should urge universal use of employment contracts requiring abstinence by employers and employees alike; and, through employees' mutual benefit associations, set forth the advantages of increased health and lower insurance rates among abstinent workers.

Such activities will benefit from the experience of emergency organizations during the war—especially, of the Liberty Loan campaigns and popular canvasses for conserving foodstuffs and materials needed at the front, which through public appeals brought about rapid changes in the habits of the people. Conditions are ripe for such a movement, in which the enthusiasm of organizations of men and women throughout the country awaits the kindling of concerted action and leadership.

In leading this movement the President will have the aid of corps of men and women who, under him, became veterans in executing plans that have affected the voluntary action of entire peoples, including our own people. The carrying out of the proposed plan would furnish another and signal instance in which the cooperation of the nation's leadership will have "reinforced our individualism" (to use once more the words of Mr. Hoover) "by reducing and not increasing government interference in business and the life of our citizens"; cooperation that assists "in the cure of abuses by the voluntary establishment of a higher code of ethics and a stricter standard in the conduct of business."

PART I

THE "NOBLE EXPERIMENT"

CHAPTER I

AS TO NEED FOR RELAXATION?

RELAXATION VIA PARALYSIS

Wet View

Dr. Charles L. Dana, neurologist and formerly President of the New York Academy of Medicine; Professor E. H. Starling, of University College, London, co-author and editor of "The Action of Alcohol on Man" (32), and the late Professor Hugo Muensterberg, the Harvard psychologist, are quoted by Clarence Darrow and Victor S. Yarros in their book, "The Prohibition Mania: A Reply to Professor Irving Fisher and Others," as justifying the moderate use of beverage alcohol. Dr. Dana is represented as saying:

> It is quite right to claim that alcohol makes our mental associations slower, but they interpret it as if that involved a destructive crippling of our mental life. They do not even ask themselves whether or not this retardation of association of ideas may not be a most helpful and useful relaxation of certain brain centers. With the same logic they might demonstrate to us that sleep is a most ruinous invention of nature, as it paralyzes our brain centers still more; and they have not the slightest understanding of the funda-

> mental fact that such inhibition in certain parts of the brain belongs to every single act of attention (2, p. 137).

Starling's Conclusions

Messrs. Darrow and Yarros record the following conclusions by Starling and his scientific helpers:

> While alcohol is unsuitable for the highest mental efforts or during the performance of prolonged muscular feats, to individuals who need relaxation rather than increase of attention, or of nervous excitement, a small dose of alcohol may result in improvement of efficiency. Thus, a man's play at golf may be improved by a glass of whiskey, and a shy man may be emboldened to make a speech or to comport himself naturally at a social gathering.
>
> The narcotic action of alcohol on the highest centers of the brain is of value in freeing a man from the cares and worries of the day's business, enabling him to digest and assimilate his food and to restore his ability to sleep (2, p. 143).

In his book, "American Problems," Professor Muensterberg (47) supports with fervor the view that moderate drinking is beneficial, by virtue of its paralyzing action upon the nervous centers:

> Of course, alcohol before serious intellectual work disturbs me; but hearing a hurdy-gurdy in the street or thinking of the happy

news which a letter has just brought to me, or feeling angry over any incident, disturbs me just as much. It is all the same kind of interference; the brain centers which I used for my intellectual effort are for a while inhibited and thus unfit for the work which I have in hand. When the slight anger has evaporated, when the pleasurable excitement has subsided, when the music is over, I can gather my thoughts again, and it is arbitrary to claim that the short blockade of ideas was dangerous, and that I ought to have avoided the music or the pleasure or the wine.

Danger Begins with Intemperance

Of course, if we consider, for instance, the prevention of crime, we ought not to forget that even some of these slight inhibitions may facilitate a rash, vehement deed and check cool deliberation. In times of social excitement, therefore, alcohol ought to be reduced. But again this same effect, as far as the temperate use of alcohol is in question, may result from many other causes of social unrest. The real danger begins everywhere with intemperance, that is, with a lack of that self-discipline which is not learned but lost under the outer force of prohibition.

Psychologically the case stands thus: alcohol has indeed an inhibitory influence on mind and body. The feeling of excitement, the greater ease of motor impulse, the feeling of strength and joy, the forgetting of sorrow and pain—all are at bottom the result of inhibition; impulses are set free because the checking centers are inhibited. But it is absurd to claim from the start that all this is bad and harmful, as if the word inhibition meant destruction and lasting damage. Harmful it is, bodily and socially, when these changes become exaggerated, when they are projected into such dimensions that vital interests, the care for family and honor and duty are paralyzed; but in the inhibition itself lies no danger. There is not the slightest act of attention which does not involve such inhibition. If I read in my study, the mere attention to my book will inhibit the ticking of the clock in my room and the noise from the street, and no one will call it harmful. As soon as my attention increases and I read with such passion that I forget my engagements with friends and my duties in my office, I become ridiculous and contemptible. But the fact that the unbalanced attention makes me by its exaggerated inhibition quite unfit for my duties is no proof that the slight inhibition produced by attentive reading ought to be avoided.

Alcohol Causes Partial Paralysis

The inhibition by alcohol, too, may have, in the right place, its very desirable purpose, and no one ought to be terrified by such physiological statements, even if inhibition is called partial paralysis. Yes, it is partial paralysis, but no education, no art, no politics, no religion is possible without such partial paralysis. What else are hope and belief and enjoyment and enthusiasm but a reinforcement of certain mental states, with corresponding inhibitions—that is, paralysis—of the opposite ideas? If a moderate use of alcohol can help in this most useful blockade, it is an ally and not an enemy. If wine can overcome and suppress the consciousness of the little miseries and of the drudgery of life, and thus set free and reinforce the unchecked enthusiasm for the dominant ideas, if wine can make one forget the frictions and pains and give again the feeling of unity and frictionless power—by all means let us use this helper of civilization. It was a well-known philosopher who coupled Christianity and alcohol as the two great means of mankind to set us free from pain. But nature provided mankind with other means of inhibition; sleep is still more radical, and every fatigue works in the same direction; to inhibit means to help and to prepare for action.

Artists Need No Alcohol

. . . Without the artificial inhibition of the restraining centers the life of most men becomes a matter of mere business, of practical calculation and prosaic dullness. The esthetic side of life cannot come to any development because it is suppressed by the practical cares. The truly artistic mind, of course, does not need such artificial help. The finest enjoyment of art, of literature, and of music demands a mind in which the suggestion of beauty suppresses by itself all selfish and practical ideas. But the mass of mankind is differently organized. They need

> some kind of help to open their minds to the message of the unpractical and unselfish. . . . Better America inspired than America sober, if soberness is to mean absolute abstaining! In the middle way between this kind of sobriety and intemperance lies that emotional stimulation which for the hard-working masses is an element of true civilization. Can we forget that in almost all parts of the globe even religious life began with cults of such artificial inspiration? For the Hindus the god Indra was in the wine, and for the Greeks, Dionysus. It is the optimistic exuberance of life, the emotional inspiration which alcohol has brought into the dullness of human days, and the history of culture shows on every page the high values which have resulted from it (2, pp. 159-164).

NEW INSTRUMENTS OF RELAXATION

Dry View

The late Professor William James used to comment on how hard it was to bring the peace-party and the war-party together, and to insist that the pacifists ought to enter more deeply into the point of view of their opponents. So long as they proposed no substitute for war's disciplinary function, they failed to realize the full inwardness of the situation. Just so supporters of the Eighteenth Amendment might listen with full sympathy when the apostles of moderate drinking declare man's abiding need for relaxation and for respite from the petty worries and monotonies of existence.

Professor Muensterberg, Dr. Dana and Dr. Starling are undoubtedly right in their psychological finding that this problem lies in the field of attention. But, is resort to self-paralysis by means of a narcotic drug the proper, or only, means of relaxing the nerves of men? Are not better means at hand?

Muensterberg, in the passages quoted by Darrow and Yarros, intimates that there may be more than one way of obtaining the relaxation needed. In McClure's Magazine for August, 1908, he went so far as to say that he had himself become virtually a teetotaller, because he had discovered in his diversions, chiefly esthetic, a means of blotting out of his consciousness the worries from which others feel constrained to seek relief through the paralyzing effects of alcohol.

Other Means of Relief

Since Professor Muensterberg wrote on this subject, the radio and the movies have become the diversions of the masses. He lived long enough to write a book on "The Photoplay," hailing it as a true popular diversion in the direction of art. Surpassing the radio and the movies is the influence of automobiles, of which twenty-five million have entered American life.

The automobile, itself an efficient substitute for the saloon, has given tremendous impetus to other powerful means of relaxing the multitude from commonplace cares. By its speed and controllability it has multiplied opportunities for travel, camping, exploring, hunting, swimming, yachting, golfing, dancing, mountain-climbing, and for making business enterprise attractive and adventurous. It has occasioned the establishment of parks and playgrounds and the building of stadiums and amphitheaters for national sports exceeding those of ancient Greece and Rome. It has afforded the means of extending cities into suburbs and along splendid parkways and boulevards. It has knit the communities of America together with a network of highways and destroyed the provincialism of city and country life.

Mass Existence Transformed

Thus, in the two decades since Muensterberg uttered his famous defense of alcoholic beverages as answering a need of relaxation for the masses, the motor car, the movie, and the radio have quite transformed the conditions of mass existence. They have furnished abundant means of diversion from the narrow, slum-ridden life of a generation ago.

The more successfully the new pursuits of this age attract the distraught consciousness and restrict it to their objectives, the more refreshed the national life becomes. In the field of his enterprise the modern individual has become vividly alert and conscious. In his treatise on the principles of physiology, Dr. Alex Hill, formerly Master of Downing College, Cambridge, describes this process of invigoration as follows:

> The capacity for alertness is due to the favoring of one set of impulses by suppressing others. The favored impulses hold the road. Concentration of attention is keeping thought to one line by resisting all temptation to wander into by-paths. The waking condition is the state in which all nerve-ways are closed, with the exception of those which consciousness is using. The more severe the closure, the more vivid is consciousness (3).

Effect of Focusing Energy

Manifestly, Dr. Hill is discussing the same thing, that is, diversion of the attention—the thing desired by Dana, Starling and Muensterberg in their discussion of drink—but with a difference. Closure or restriction of the field of consciousness, effected by centering upon a superior attraction or adventurous enterprise, tends to rejuvenate the individual. It focuses his scattered and distracted energies as the rays of the sun are focused through a lens to a single burning point. With this achievement comes a sense of release in which the faculties work unitedly and with ease and power. They are relaxed, poised and centered.

But can the anti-Prohibitionist doctors properly ascribe to the deadening effect of alcohol on the nerve centers the same virtue of invigoration that belongs to every successful act of attention? Is the alert wakefulness of adventure the same thing as the drugged euphoria or joy of the "moderate" alcoholic drinker—a joy which, these doctors admit, is induced by partial paralysis of the nerves?

How Nerves Are Relaxed

In both cases there is "inhibition," but in only one of the two is there paralysis. The inhibiting or relaxing of nerves produced by watching a baseball game is by way of withdrawing the attention from all other affairs and focusing it on the game, leaving the unused nerve centers inactive but uninjured, unparalyzed, simply resting and allowing all the more energy for the nerve centers which are used; while in the alcoholic case all nerve centers are actually more or less paralyzed. In sleep, on the other hand, all centers are at rest, but surely not paralyzed! Dr. Isador H. Coriat says:

> Any theory of sleep must be based on sound psychological data, because sleep is a psychological phenomenon occurring in everyday life, and not a manifestation of a disease process. In interpreting sleep as a pathological phenomenon, the older theories signally failed.

And R. Clarke Newton, in his treatise on opium and alcohol, says: "It is deceptive to give narcotics in a case of this type" (sleeplessness). "The stupor simply masks the danger. Better far let the sleepless patient exhaust himself than stupefy him" (4). Authorities describe the paralytic effect of alcohol as the illusion of renewed power without its reality, and leaving, even from "moderate" indulgence, injurious after effects, *of which the chief characteristic is the inability to focus the attention.*

Moreover, in the case of the "moderate" drinker, as experience has shown, there is always the danger of forming the habit of heavy drinking, with its far more destructive consequences.

Hazarding New Habits

In the field of enterprise, on the other hand, whether material, mental or spiritual, and in the hazards of adventure and sports is the open sesame to healthful relaxation, heightened powers, and the means of substituting better habits for worse. How an exchange of habits is effected is described by Hill, in the case of the golfer who makes his first successful drive:

> In golfing terminology, a successful drive is always "an awful fluke"; but the fluke once accomplished, nothing is easier for the golfer than to drive equally well on all succeeding occasions. He need merely remember exactly what it felt like to give the club a perfect swing, and exclude all other sensations while

> he is passing these memories through his sensori-motor arcs!
>
> The fact that we can deliberately improve an action, fitting it to the attainment of the object of desire, by suppressing wrong and emphasizing right sensations, shows how large a part consciousness plays in the affairs of the nervous system (3).

So by substituting the inspiriting sensations that accompany red-blooded enterprise and sport for the fitful illusions and depressions of alcoholic drink, Americans have found a universal means of escape from the drink habit. In this substitute for the vagrant imaginings and erratic acts of alcoholism the American people have discovered, not the reluctant compulsions of duty, but the allurements of realized adventure. In preferring the release by *alcohol,* Dr. Dana and his confreres depart from the ethical principle of their profession in advising general self-dosage by the masses with a habit-forming narcotic drug.

CHAPTER II

IN A HIGH-POWERED AGE?

If the motor-car and high-powered enterprise are symbols of the forces that have displaced the saloon, how do automobile manufacturers and captains of industry regard Prohibition? How far do their views find scientific and legal confirmation?

Wet View

In correspondence with Pierre S. duPont, Chairman of the General Motors Corporation, Chairman of the Board of E. I. duPont de Nemours Company, and Chairman of the Executive Committee of the Association Against the Prohibition Amendment, Irving Fisher wrote Mr. duPont:

> May I make query on your very candid letter of 27th July, 1928, in which you state: ''Clearly in any country that has not been reduced to a condition of absolute slavery of one man to another, the choice of conduct on the question of drink, in moderation, should be left open. I need hardly warn you that I do not grant this choice to those whose indulgence is such as to deprive others of their equally sacred rights.''

Prohibition Enforced by duPonts

It was reported concerning the duPont de

Nemours Company, in a hearing before the United States Senate Subcommittee of the Judiciary (5) and as part of a confidential file submitted in evidence Nov. 20, 1918, belonging to Hugh F. Fox, Secretary of the U. S. Brewers' Association, that the Advertising Manager of the company ''explained how for years past the duPonts have absolutely prohibited the use of intoxicants by their employees, and, now with the rush of war orders, the prohibition ban has been drawn even closer.'' Camillus Kessler, employed by Mr. Fox, reported to him: ''After calling on several of the men in the offices in Wilmington, I took the ferry and went across the river to Penn's Grove, where one of the largest of the duPont factories is located. There I talked with the Chief of Police, some of the men who work in the high explosives department and one of the guards. They all assured me that there was not a drink to be had in Penn's Grove. The only bar in the town had been closed by the duPonts and if any workman wanted a drink of any kind he would have to go to Wilmington, or some other neighboring town.

''It is reported if a guard is seen taking a drink off duty, he is immediately discharged. If a workman comes to work with the slightest indication of liquor on his breath, he is not allowed to work. From all that I could see, Prohibition could not be more effectively enforced than it is in Penn's Grove. I was informed by the officials and by men who had worked in the other factories of the company that the same conditions exist in all the duPont Company factories.''

May I ask whether the same Prohibition rule is in force in the factories of E. I. duPont de Nemours & Company under your Chairmanship of its Board of Directors? If so, is it not because, as you say in your letter to me, you ''do not grant this choice to those whose indulgence is such as to deprive others of their equally sacred rights''?

If you would prohibit moderate drinking in the duPont de Nemours plant, would you also prohibit moderate drinking in all shops where accidents might occur through the use of modern high-powered machinery?

Would you prohibit moderate drinking by the drivers of motor cars?

Do you agree with Henry Ford in his statement that in this fast-driving and high-powered age even the moderate use of intoxicants has no proper place?

Or would you prohibit the use of intoxicants to the workingmen of this country and allow it to their employers?

These questions are asked in no spirit of unfriendliness, but to elicit your view as a responsible employer of labor and one who has had much to do with the placing of millions of motor cars on the highways of this country, of how indulgence in alcoholic liquors can be made compatible with the sacred rights of those whose lives may be endangered by the man who, as you phrase it in your letter to me, is ''willing to submit'' to ''ills for the sake of some advantage, real or fancied, that will result from his drink.''

Mr. duPont replied:

Assents to Prohibition by Employers

I believe there is some confusion in regard to Prohibition by law and Prohibition by an employer. If certain work involving danger to life and property requires absolute sobriety, I cannot find fault with the employer refusing to employ a man who shows any sign of contact with alcohol when he reports for work, and, in fact, where the employer may be held liable for the action of the man employed, he may, if he choose, properly decline to employ a man who uses intoxicants at any time. This is no different from refusing to employ a man whose sight or hearing is in any way defective, for jobs requiring great keenness in those senses. It is purely a matter of choice of the man most suitable for the job. I do not know any rule of the duPont Company which requires total abstinence of any employee. I am quite certain that men are not permitted to go to work after having indulged in alcoholic drinks in a manner to be detected by ordinary inspection, but I feel equally confident that there is no rule about drinking after work is done.

It is quite possible that there was an exception to the above statement during the war when strenuous efforts were being made in every direction to get the best out of the men, whether they were willing or not. I shall look this up and let you know, but I do not consider the point of great moment.

There are many jobs open to-day to the man who drinks in moderation, especially those who confine their drinking to the hours of relaxation after work. I know a number of men who are very much in favor of Prohibition (for the workingman) who drink nothing themselves during business hours, but who are pretty heavy consumers of alcoholic liquors after the day's work is done. I am quite confident that they do themselves no physical harm nor do they impair their mentality; but I do not admire their inconsistency.

Mr. duPont's Personal Payroll

I employ about 150 to 300 men on my personal payroll. I have no rule whatever as to drinking and know of very few cases where the question has come up in any way. If a man should appear for work under the influence of liquor, or even smelling of it, I should call his attention to the fact that I had noticed the occurrence and request that there should be no recurrence. I am sure that many of the employees have liquor in their homes which they use in proper moderation; in fact, a questionnaire sent out to them recently developed a reply of "No" from many in answer to the question: "Do you totally abstain from the use of alcoholic liquors, including wine and beer?"

Lest you should have failed to notice it, the result of this questionnaire sent to 300 employees and their wives brought forth about 80 per cent replies within two weeks. The majority of them agreed that conditions under Prohibition were undesirable and advocated a change. A similar questionnaire sent to the voters of the State of Delaware brought forth replies from about half of those sent out, of which 40 per cent of the total, or 90 per cent, replied "Yes" to the following questions:

"1. Do you believe that much harm results from abuse of drink under the Prohibition laws that are in force in this country?

"2. Do you believe that alcoholic liquors, such as beer, wine, whisky and gin, may now be bought, illegally but freely, by those who wish to buy?

"3. Do you believe that the general disregard of Prohibition laws is leading to other lawlessness?

"4. Do you think that change in existing Prohibition laws is needed?"

As to your question of whether I should prohibit in the duPont Company plants if it were my business to decide, I should not prohibit drinking, but I should not employ men who come to the plant under the influence of liquor, unless it were possible, as it frequently is with employees directly controlled, to encourage the man to confine his drinking to after working hours.

Question of Drink Before Driving

I employ a number of men for driving cars, as I do myself, and there is no prohibition on any of us to refrain from drinking. But

I should not take a drink before driving a motor car on a public road, and, to be exact, I should think it well to allow a couple of hours to elapse after taking a drink before driving, lest in case of accident I should be held accountable for something not my fault.

If safety on the road is a thing to be further safeguarded, it is much more necessary to examine people strictly for their capacity and ability to drive than to issue a Prohibition order against drinking. Many drivers are more dangerous sober than others are when drunk. The prohibition against drinking does not stop the drinking, but a refusal of license for those unfitted for driving, because of physical or mental disqualifications, would be very helpful in avoiding accidents.

Most Drinking Is After Working Hours

To me it seems that many of these questions concerning drink fail to realize that there is a great difference between drinking in a way that interferes with a man's capacity to steer a normal course and drinking, the result of which is not apparent by an ordinary test. The greater part of drinking must occur after working hours and when people are in a position where they are not called upon to execute their utmost endeavors. Drinking furnishes to many the same kind of relaxation that all expect to have in the evenings, playing games, reading light literature, attending theatrical performances, the movies, etc. During those hours we cease our effort toward constructive work. We are in a state of relaxation where we can drop off to sleep or do many other things that are exceedingly dangerous were we on an active and important job. I repeat that it is during these hours that many take a drink which helps their relaxation. I confess that it has no such effect upon me.

Those who oppose Prohibition have no objection whatever to strict disciplining of those who injure or jeopardize others by their excesses. Prohibitionists would find probably 90 per cent of the population ready to assist in this matter of protection, but they are unwilling to assist in a rule that condemns the innocent along with the guilty.

Drinker Escapes the Law

It is one of the ridiculous phases of the Prohibition movement that there is no attempt to prohibit a man's drinking alcoholic beverages. If any wrong is done it is the drinker who does it, yet to-day he is the man who escapes. The man who makes, the man who sells, the man who transports, and at times the man who possesses liquor, are all guilty under the law; but, the man who drinks, the very one that is at fault, is allowed to go Scott-free, unless his delinquencies actually jeopardize somebody. Is this not the most monumental inconsistency?[1]

Mr. duPont replied to a further suggestion from Irving Fisher, as follows:

---

[1] See, also, "Eighteenth Amendment Not a Remedy for the Drink Evil," by Pierre S. du Pont (6).

> This is in reply to your letter of September 1 (1928), suggesting the difficulty or impossibility of discriminating between the temperate and the intemperate, therefore recommending a blanket prohibition which takes care of the latter and "does not really harm the former." In these few quoted words is summed up the history of bad government from time immemorial. The Romans undoubtedly thought that it did not harm Christians to try to make them Pagans. The early Catholics had the same opinion concerning the conversion of Protestants to Catholicism. Doubtless King George III and his parliament thought that the American Taxes did not really harm the people of the colonies. The slaveholders thought that the slaves were not only unharmed but were better off as slaves than as free men. Some of them still think so. Thousands of instances might be cited. The whole principle of good government is to devise laws that do good, not those that simply avoid doing harm in the opinion of the dictator. The whole Prohibition question comes from the wrong point of view on this one point.

Mr. Raskob Notes Lack of Respect for Law

Irenee duPont, President of the duPont Company, stands shoulder to shoulder with his brother in opposition to the Eighteenth Amendment and its supporting laws. John J. Raskob, Vice President and Chairman of the Finance Committee of the same company and a Director of General

Motors, resigned as Chairman of the Finance Committee of General Motors in order to manage the campaign for the Presidency of Governor Alfred E. Smith of New York. Mr. Raskob, like the brothers duPont, bases his opposition to the Eighteenth Amendment on the plea of personal liberty.

Pleads Personal Liberty

He says:

> I am not a drinking man (this does not mean I never take a drink), am a director in corporations employing over three hundred thousand workmen and have a family of twelve children ranging in ages from five to twenty-one years. The thing that is giving me the greatest concern in connection with the rearing of these children and the future of our country is the fact that our citizens seem to be developing a thorough lack of respect for our laws and institutions, and there seems to be a growing feeling that nothing is wrong in life except getting caught.
>
> . . . .
>
> A large number of people feel that a majority in this country have no more right to curtail their freedom with respect to drinking beer, wines or even spirits than they have to deny religious worship. These people feel they do no wrong in the eyes of God when they buy and consume beer, wines and liquors in spite of the law. They feel that those who have the money to pay for such beverages and have

them analyzed can drink without risk of health, while those who cannot do so must either do without or take great risks of being poisoned. It is for this reason that the great mass of our workmen and poor people feel that Prohibition does not prohibit but is a scheme to deny them something which their more fortunate brothers with money can have almost at will. Is it any wonder they should rebel?

My experience is that children like to be with older folks, are quick, alert and particularly keen on listening to what their elders say and do. What impressions are registering on the minds of my sons and daughters when they see thoroughly reputable and successful men and women drinking, talking about their bootleggers, the good "stuff" they get, expressing contempt for the Volstead law, etc.? At our home we can and do teach temperance in all things; none of our children drink intoxicants, but what ideas are forming in their young and fertile brains with respect to law and order? They observe people in every walk of life merrily violating foolish blue laws, foolish speed laws, etc., that every sensible citizen knows are made to be broken and not enforced. The farmers in Connecticut and Delaware legislatures were strong enough to have laws passed prohibiting Daylight Saving Time in those States. They would not tolerate the desire of city folks to have an hour more of daylight in which to play in the summertime. The result is that Yale University in Connecticut and

> the people of the city of Wilmington in Delaware rebel, pay no attention whatever to the law, and merely all agree to set their watches back an hour at 2:00 A. M. on a certain Sunday in April and return to Standard Time in October. This is another illustration of the failure of Prohibition born of intolerance and lack of respect for liberty and freedom.

The attitude of Messrs. Raskob and duPont is typical of that assumed by industrial leaders who oppose Prohibition.

DRY VIEW

In yet another communication to Pierre S. duPont, Irving Fisher summed up the Dry comment on the attitude of the maker of automobiles and high explosives, as follows:

> Speaking with the responsibility of a large employer and of one whose business it is to encourage the driving of automobiles on crowded highways, are you quite sure you have scientific backing when you say, "To be exact, I should think it well to allow a couple of hours to elapse after taking a drink before driving, lest in case of accident I should be held accountable for something not my fault"?

Menace of the Moderate Drinker

> These words are quite different from those used by Dr. Francis G. Benedict, after most exhaustive tests of the effects of alcohol in

the Nutrition Laboratory of the Carnegie Institution of Washington. Dr. Benedict remarks:

"Inflexible science says: 'Moderate user, keep off! for at least four hours after a dose of alcohol formerly considered "permissible," you, as a motor vehicle operator, may well be considered a "menace to society." ' " (7, p. 423.)

When it is pleaded that the greater part of drinking must occur after working hours, it must be noted, also, that the greater part of driving for pleasure occurs after working hours. In view of the fact that there are between twenty-three and twenty-four million motor cars on our highways is not the case, then, as regards the public policy of Prohibition, on all fours with the private policy of Prohibition in the duPont and other plants of the country, which forbids the use of intoxicants by men who are engaged in dangerous occupations?

What other public policy than that of Prohibition, at least of the traffic in intoxicants, is practicable in circumstances where a "moderate" drink during four hours after it has been taken may result in a fatal collision?

The argument on the score of personal liberty implies, it is true, personal liberty to drink. You point out the seeming inconsistency of the Eighteenth Amendment and its supporting laws in not depriving drinkers of this liberty while they do prohibit the manufacture and traffic in liquors. Personally I should have favored the prohibition only of the public traffic, reserving the privilege of citizens to brew and drink intoxicants privately in their homes, if they so elect. But I think you will agree with me that the Federal Supreme Court speaks with better authority than either of us can claim when it says, in the case of Samuel v. McCurdy (267 U. S., 188, 197):

"The ultimate legislative object of Prohibition is to prevent the drinking of intoxicating liquor by any one because of the demoralizing effect of drunkenness upon society. The State has the power to subject those members of society who might indulge in the use of such liquor without injury to themselves to a deprivation of access to liquor in order to remove temptation from those whom its use would demoralize, and to avoid the abuses which follow in its train."

Power of State to Prohibit

It will be difficult for most readers to follow you when you say that such statements, made by the most profound interpreters of our democratic government, "sum up the history of bad government from time immemorial." In Duncan Townsite Company v. Lane (245 U. S., 307), the United States Supreme Court also says:

"It must now be regarded as settled that, on account of their well-known noxious qualities and the extraordinary evils shown by experience commonly to be consequent upon their use, a State has power absolutely to prohibit manufacture, gift, purchase, sale or transportation of intoxicating liquors within its borders without violating the guarantee of the Fourteenth Amendment . . . And considering the notorious difficulties always attendant upon efforts to suppress traffic in liquors, we are unable to say that the challenged inhibition of their possession was arbitrary and unreasonable or without proper relations to the legitimate legislative purpose.''

Not Practicable to Prohibit Drinking

As to the practicability of enforcing Prohibition against the drinker, who, as you justly observe, is the very one at fault, Mr. Ernest H. Cherrington states the case as follows:

''Many States had and still have laws which forbid drinking intoxicating liquor in public places. Laws forbidding such drinking in private places might face constitutional obstacles, unless such offenses were made felonies. It would have been possible to forbid all drinking by law, as also to legalize confiscation of all liquor in this country, when the Eighteenth Amendment went into effect, but since the enemies of this national policy have shown themselves prepared to combat it by invoking every possible technicality and law's delay, it seemed unnecessary to take this step inasmuch as, according to the decisions of the Supreme Court, as well as of many lesser courts, the end sought—the abolition of the drinking of intoxicants—could more readily be obtained by the methods that were taken.''

In the face of this reasoning the seeming inconsistency of the National Prohibition Laws tends to disappear. And Mr. Cherrington speaks with the scientific and legal backing which opponents of Prohibition notably lack when he adds:

''Neither behind the wheel of the chauffeur, at the throttle of the locomotive, the stick of the aviator or the lathe of the machinist, nor anywhere else in our crowded American life, is there a place for the man whose nerves are shaken by any indulgence in alcoholic drinks. The Eighteenth Amendment was intended to outlaw absolutely all such beverages (8).''

The plea of personal liberty to drink acknowledges in terms this intent when it opposes the law. It clashes with the private prohibition of drinking imposed by employers of labor, and it clashes with the policy of National Prohibition which is imposed by the public for identical reasons. It is this identity of public and private policy that leads me to wonder why you, who believe in the strict disciplining of those whose acts injure or jeopardize the safety of others, assent to such disciplining by means of private prohibition in the industries of the country, and dissent from it when applied, among other cogent reasons, for the sake of public safety on the public highways.

Motor Car Heads Support Prohibition

Many heads of the automobile industry, differing with Messrs. duPont and Raskob, confirm by their testimony the views expressed above. Henry Ford, for example, said in an interview at Sudbury, Mass., during August, 1928:

> If the law were changed, we'd have to shut down our plants. Everything in the United States is keyed up to a new pace which started with Prohibition. The speed at which we run our motor cars, operate our intricate machinery, and generally live, would be impossible with liquor. No, there is no chance even of modification.

In like vein, R. H. Scott, President of the Reo Motor Car Company, declares his conviction that "the return of public drinking-places would make the motor car a menace on the highways and would stop the sale, to a large extent, of the cheaper cars, as the money would be spent over the bar."

Alfred P. Sloan, Jr., President of the General Motors Corporation, expressed his dissent from the views of Messrs. duPont and Raskob when he announced September 3, 1928, his support of Herbert Hoover for President, concluding his reasons as follows:

> Having been intimately connected with industrial problems for many years, I am thoroughly convinced that Prohibition has increased our national efficiency, has added to the purchasing power of the people and given

> us an advantage in our competition for foreign trade.
>
> At the same time, I recognize that conditions respecting the observance of the law are far from satisfactory and time may prove the necessity for some adjustments. If so, I am for having those adjustments brought about by an executive in sympathy with the economic benefits that the closest possible adherence to the Prohibition idea is sure to bring about.

Following Mr. Sloan's statement, W. C. Durant, President of Durant Motors, Inc., cabled from Europe his offer of a prize of $25,000 for the best and most practicable plan to make the Eighteenth Amendment effective, saying:

> Big business leaders who have the largest stake in law observance publicly and privately violate this law and countenance its violation by others. Instead of using their wealth and influence to create public opinion demanding law enforcement, our business men of character and position are the chief support of the master criminal class, the bootlegger.
>
> It is not surprising that the flagrant example of lawlessness on the part of the men highest in their communities has undermined respect for law in their children, their servants, their employees and all classes of citizens, including public officials and judges.

No doubt Mr. Raskob and the brothers duPont represent a minority of sentiment against Prohibition among heads of American business. This is certainly the case in the great industry in which they rank among the leaders. After exhaustive inquiry, Professor Herman Feldman of Dartmouth College testifies in his book:

> In the automobile trade itself, the saloon is regarded as a competitor of the car. Some automobile manufacturers seem to be opposed to its return on that score alone. While some do not credit Prohibition with being a factor in its expansion, the industry as a whole does; and the makers of the more moderate priced cars are particularly strong on this issue.
>
> The antagonism of the Ford Motor Company to a return of the saloon is, of course, known. The sales department of the Willys-Overland Company believes that the abolition of the saloons has resulted in an increased market for passenger cars. Another concern which prefers that we do not use its name, makes a strong argument of the same point and ends with the succinct assertion that: "Gasoline and booze don't mix." The Distribution Manager of the Franklin Automobile Company explains: "The sale of a car like the Franklin is influenced by the demand for used cars. In other words, the bigger the market for used Franklins, the bigger the market for new Franklins. In this respect also Prohibition has, we believe, helped to provide the funds with which the purchases

are made.'' And so on it goes among most of the makes widely sold (9).

New Diversions Supplant the Saloon

Among the other means of public diversion that have supplanted the saloon, Professor Feldman quotes the Association of Motion Picture Producers and Distributors of America, the organization of the largest concerns, as stating:

> Since the abolition of saloons the moving picture theatre has become the social center and to a surprising extent the recreation of those who before frequented drinking establishments.

Dr. Feldman also speaks of ''Considerable testimony from industrial insurance agents, employers, and the radio industry itself. The latter,'' he continues, ''regards the abolition of the saloon as a factor in bringing the radio into homes where it might not have come so soon otherwise. One manufacturer explains: 'In my own experience, various chauffeurs whom I have employed have shown an eagerness to go to their homes to listen in to some particular program which was to be on that evening; whereas, heretofore, it appeared to me that they have considered their homes more or less places to get food and shelter.' ''

Moderate-Drinking Driver Menaces Safety

It is manifest, therefore, that the rapid changes that have taken place in the means of relaxation in the life of the masses in America have effectually disposed of the argument that they must stupefy themselves with alcohol in order to gain a respite from their workaday cares. Furthermore, the fact that the whole population has become mobile, multiplying and making constant the dangers of the highways, has made literally true the saying that a man who has drunk a glass of beer is one glass of beer drunk. A committee of the British Medical Association reports (33):[1]

> The word "drunk" should always be taken to mean that the person concerned is so much under the influence of alcohol as to have lost control of his faculties to such an extent as to render him unable to execute safely the occupation in which he is engaged at the material time.

The Nutrition Laboratory of the Carnegie Institution of Washington has spoken on this point with respect to a moderate-drinking motor car driver during the four hours following his drink.

---

[1] British Medical Association Report, February 17, 1927. For data on increased dangers on highways and in factories, see report of Safety Congress of the National Safety Council, New York City, October 1, 1928; esp. address by Homer E. Niesz, President of the Council, and by James A. Hamilton, Industrial Commissioner, New York State Department of Labor. See, also, statement by Dr. Walter Van Dyke Bingham, Director Personnel Research Federation, New York Times, January 27, 1929. As to the wide variability of tolerance to effects of alcohol by individuals, see report by Emil Bogeny, M.D., Amer. Jour. of Medical Sciences, August, 1928, p. 153.

In a letter to Irving Fisher, Robbins Stoeckel, Commissioner of Motor Vehicles of Connecticut, speaks from his experience:

> A really drunken driver is usually not dangerous, because he is so easily and quickly detected, or incapacitated, as being found asleep in his car at the curb. *The really dangerous driver is the man who has had one or two drinks only,* who still thinks he is in possession of his faculties, but whose driving judgment has been impaired. On the public highways *moderate drinking is more dangerous* than immoderate, and on this account the authorities in order to protect the public safety must reckon with the effects of moderate drinking.[1]

On the side of constitutional right, therefore, as decided by the highest tribunal in America, on the side of scientific investigation of the effects of moderate drinking on the average human individual, and on the side of experience in promoting safety from accidents on the highways and in the factories of the nation, the weight of evidence is altogether in favor of Prohibition.

---

[1] Italics ours.

CHAPTER III

IN ITS EFFECTS ON YOUTH?

Wet View

In "Prohibition at Its Worst," under the chapter heading "New Recruits Among Drinkers Fall Off," appears the question: "But what about the first convictions of offenders—mostly young offenders—during the years of wartime restrictions and national Prohibition?" To this question Irving Fisher replies: "In New York, which many account the wettest city in the United States, with a population greater than that of several States, computations, made for me, from data of the Fingerprint Bureau, New York City Magistrate's Court, show a steady and pronounced decrease of first offenders (as indicated by convictions for drunkenness for the first time), from 24 per 10,000 population for the year 1914, to only 6 per 10,000 population for the year 1925!" (10.)

Lessened First Convictions in Pre-Prohibition New York

Again in its chart of arrests for drunkenness in New York City, "Prohibition at Its Worst" points to the improvement since 1916. But the book takes no notice, either in this chart or in its chart of convictions of first offenders, of the *trend* of arrests and convictions for drunkenness, respectively, as exhibited in its own graphs and tables.

The pronounced decrease of first offenders in New York City—much greater than the decrease in total convictions for drunkenness—was already taking place during the years preceding war-time restrictions and National Prohibition of the liquor traffic.

Moreover, the only check in the downward trend of first convictions took place during the years of National Prohibition beginning with 1920. So that if the figures prove anything, they would seem to prove that the effect of the Prohibition law on youth in New York City was to increase the totals of arrests and convictions for drunkenness of first and other offenders.

These figures tend to establish the view expressed in the report of the Federal Council of Churches in 1925, which said: ''There is no apparent justification for the common assumption that New York is 'wetter' than most other cities. In fact, there is reason to think that the reverse is true.'' (11.)

The chart of arrests for drunkenness in New York City published by the Moderation League, Inc., of New York (12), shows a remarkable and very uniform decline in total arrests for drunkenness since 1903, when they numbered 53,396, until 1919, when the low point of 6,855 was reached. This low point was hardly more than one-eighth of the level of 1903. Yet saloons were open and legal in New York City until July 1, 1919, when they were closed by the Federal Law. This astonishing decrease in arrests for drunkenness took place, for the most part, under the legal saloon. But it is true that the number of arrests for drunkenness per capita in New York City nowadays is very much less than in the other large cities of the nation.

Arrests of Minors in Washington, D. C.

While in other cities there is a paucity of authoritative statistics on the subject of drunkenness among the young, apparently the largest increase has taken place among those from 15 to 25 years. Juvenile court records are of little value because they deal with the very young who have not yet come into much spending money and who have not developed enough initiative to forage for liquor. The Police Department of Washington, D. C., however, has classified its arrests for drunkenness by ages, and its figures are illuminating. Saloons were officially closed in Washington as a war measure near the end of 1917. Arrests of minors (under 21) for drunkenness average 46.7 a year for the eight saloon years, 1910-1917. The number was 36 in 1917. In 1918 and 1919, there was a considerable rise, followed in 1920, the first year of constitutional Prohibition, by a drop, presumably due to a temporary scarcity of alcoholic beverages. In 1921, however, there was a big rise which wiped out the 1920 drop. The increase since then has been almost constant, with the result that by 1926 the number of minors arrested for drunkenness had reached 340. Arrests of persons of all ages for drunkenness rose in 1926 not nearly so high above the pre-Prohibition level, thus demonstrating that, relatively as well as absolutely, arrests for drunkenness among minors in Washington increased enormously.

The Cincinnati Tribune of February 24, 1925, reports:

> Police records in nearly every large city in the country show that the average age of criminals and of all delinquents is considerably lower than it was five years ago. . . . The Commercial Tribune has obtained interviews on the subject from several of the judges of the local courts and the symposium of views reveals some very interesting things. Nearly all of those interviewed expressed the belief that improper discipline in the home, entire lack of discipline or general neglect on the part of parents to safeguard the morals of children is at the root of the greater part of the juvenile delinquencies. The next cause cited by several of the judges is liquor, and a general disregard of the Prohibition law by

> parents, which, in the view of some of the judges, encourages a disregard of all law by younger persons.

The Great Falls (Mont.) Tribune, edited in a town situated 200 miles from the Canadian border, published during the first week of June, 1929, a liquor survey which estimated the extent to which liquor was involved in juvenile delinquency. In the cases of 71 per cent. of all minor girls charged with immorality over a period of four years, liquor was involved. The cases of immorality showed a marked increase, although the total of minors investigated for delinquency had not risen. It is true, however, that in but comparatively few instances was it found that operators of speakeasies had sold intoxicants to minors.

Testimony of Salvation Army Officers

A special dispatch from Chicago, appearing in The New York World, August 29, 1928, reports:

> The Salvation Army, under the direction of Lieut.-Col. Annie J. Cowden, has made a six-months' survey of eleven mid-Western States on moral hazards and the dangerous age for girls. The finding is that eighteen years is the dangerous age.
>
> The social workers studied the cases of 653 unwed mothers, of whom 110 were schoolgirls, 99 home girls, 214 servants, 61 waitresses, 45 factory girls, 35 office workers, 22

> clerks, 12 telephone operators, 11 nurses, 9 teachers, 5 laundresses, 4 college girls, 4 seamstresses, 3 electrical operators, 3 beauty parlor workers, and 2 cooks.
>
> Fifty-six of the mothers were sixteen; 72, seventeen; 100, eighteen; 87, nineteen; 74, twenty.

Colonel William L. Barker, head of Northern Division, Salvation Army, and organizer of the Salvation Army Unit in France during the World War, testifies that Prohibition is demoralizing boys and girls. In the St. Cloud, Minn., Daily Times, February 9, 1925, Colonel Barker said:

> Prohibition has diverted the energies of the Salvation Army from the drunkard in the gutter to the boys and girls in their teens. The work of the Army has completely changed in the past five years since the dry era came into being, and Prohibition has so materially affected society that we have girls in our rescue homes who are 14 and 15 years old, while 10 years ago the youngest was in the early twenties.

And Colonel Margaret Bovill, Salvation Army, is quoted by the Association against the Prohibition Amendment, as stating:

> Forty-two per cent of unmarried mothers cared for in the last two years in fifteen Salvation Army homes in the Eastern territory were school girls of an average age of sixteen. . . .

> In spite of reforms, such as doing away with red light districts, the Salvation Army now has in this territory twice the number of maternity homes it operated in those lurid days of the past and they are filled to capacity —by whom? Not by professionals, but by school children, many of whom have been obliged to leave their desks in high or elementary grades to go direct to our institutions. . . .
>
> The cities covered in the survey and the percentage of girls whose age averages sixteen in the Salvation Army maternity home of each of these cities follow:
>
> Philadelphia, 75 per cent; Jersey City, 60 per cent; Pittsburgh, 50 per cent; Buffalo, 40 per cent; Cincinnati (white), 70 per cent; Cincinnati (Negro) 60 per cent; Birmingham, 25 per cent; Boston, 13 per cent; Cleveland (white), 22 per cent; Cleveland (Negro), 60 per cent; Louisville, 20 per cent; Roanoke, 50 per cent; Wilmington, 35 per cent; New York City, 20 per cent; Richmond, 40 per cent.

The New York Committee of Fourteen (13), an anti-vice agency of exceptional efficiency, states in its annual report for 1927 that the Volstead Law has been responsible for an increase in commercial vice, and that immorality thrives in night clubs and speakeasies and cabarets, because the conditions in those establishments are more inviting than they were in the old saloons.

In similar vein Police Commissioner Grover

Whalen, of New York, was reported by The New York Times, April 5, 1929, as saying:

> There is growing up the so-called speakeasy problem, and this is a serious one. In the old days, you could wipe out a vicious saloon. Nowadays, all you need is two bottles and a room and you have a speakeasy. We have 32,000 speakeasies in this city.
>
> From the speakeasy comes dining and dancing and out of that grows the hostess game. This hostess problem verges seriously on a vice that we wiped out many years ago. It is very difficult for the police to get the necessary legal evidence to wipe out these places. We have today 18,000 men on the police force, but it will be necessary to double the number if a change does not come in existing conditions.

''Chicago Schools Call for Vigilantes to Close Liquor Dives Pupils Frequent'' heads a dispatch from Chicago to The New York Times, appearing November 20, 1928. The request was made by William J. Bogan, Superintendent of Chicago's Schools, of the 37,000 members of the Parent-Teachers' Associations of that district. It was provoked by the killing of a sixteen-year-old student by the proprietor of an ''ice cream'' parlor near the Armour School, and was followed by a general order to police captains to close any places found selling liquor or operating slot machines near schools.

It would appear, therefore, that under the conditions of lax enforcement under the Volstead Act and in many States under concurrent State laws, drinking and immorality among youth are not diminishing, but increasing.

Dry View

In the alcoholic record of New York City there is nothing to warrant the widely heralded belief that Prohibition has debauched American youth. On the contrary, first convictions for drunkenness in that city, in which youth have a principal share, have diminished more rapidly, even, than the total yearly convictions for drunkenness. The book ''Prohibition at Its Worst'' correctly noted this fact; it failed to note the downward trend of arrests for drunkenness in the pre-Prohibition era subsequent to 1903, and the fact that second offenders and other ''repeaters'' may have been charged with other offenses than drunkenness. This fact, however, only serves to strengthen the argument of the book, that in wet New York both first and repeater convictions declined, and have done so despite the fact of New York's avowed non-observance of the Prohibition law.

Wet in Sentiment, Dry in Practice

This shows that Prohibition was rather the accompaniment of increasing sobriety in New York City than its underlying cause. Avowedly wet, composed largely of immigrants and their children reared in the Old World tradition of alcohol, by its attractions and its concentrated pursuits; by its very dangers of traffic, making sobriety a safety requisite in an age of high-powered machinery, New York City is more subject to those twentieth century influences that brought about Prohibition than the inland States that have sustained their adoption of the Eighteenth Amendment.

Yet because the whole country is affected by these influences, New York is typical of the nation. It is nearly twelve times the size of Washington, D. C. In fact, New York City equals the combined populations of Boston, Atlanta, Dallas, Kansas City (Mo.), Topeka, Des Moines, Denver, Salt Lake City, San Francisco, Spokane, Cincinnati, Louisville (Ky.), Richmond, Youngstown, Saginaw, St. Joseph, San Antonio, Memphis, Little Rock, and Indianapolis. If the populations of Metropolitan New York be included, to equal it we might add to these twenty cities the combined populations of Cleveland, St. Louis, and Philadelphia—in all a population exceeding that of sixteen States and the District of Columbia. Yet here, in the nation's most populous center of disrespect for the Prohibition law, whose legislators helped tear the State's enforcement law from the statute books, the youth are far from demoralized.

For here the youthful rate of first convictions for drunkenness, as revised from the records of the Fingerprint Bureau of the City Magistrates Court, has fallen from 35.3 per 10,000 of population in 1914, to 8.9 in 1919, and, after a temporary rise to 13.0 in 1922, to the low point of 7.8 in 1927, and the lowest point of 7.6 for the year ended December 31, 1928.

It was measurably of New York's youth, then, that the late Wayne B. Wheeler said in his address before the Economic Club of New York, November 30, 1926:

> The large and overwhelming majority of the American people are obeying this law to-day. Right here in New York City you have millions who are obeying this law, and the manifest benefits of Prohibition in New York City to-day are evidenced more by your people who are obeying the law than by those who are having it enforced against them.

As for the thousands of speakeasies reported by Police Commissioner Whalen in New York City, he does not class them with saloons, for he says "all you need is two bottles and a room and you have a speakeasy."

As for increased arrests of minors in Washington, D. C., this is at least in part due to a change in legal action. For the Superintendent of Police in Washington states: "Prior to July 1, 1923, it was not an offense to be intoxicated in the District of Columbia.'' But the police force of Washington is under Federal influence and appointment. No doubt the putting of the Prohibition unit under Civil Service rules will bear fruit in better local enforcement in the nation's capital.

Fewer Drunken Fathers and Criminal Youth

The social testimony of debauchery concerns youth of school and college age. Countering the stories of increase in youthful crime, the Children's Bureau of the United States Department of Labor finds:

> The trend of alcoholism among the fathers of the 2,378 children included in this study, the report says, is ''similar to that which appears in families known to the Massachusetts Society for Prevention of Cruelty to Children. Prior to national Prohibition intemperance was present in the homes of 47.7 per cent of the families known to this society; in 1921 the percentage had dropped to 16.8. In 1922, 1923, 1924 and 1925, the percentages of families in which intemperance was a factor were 20.2, 23.2, 21.9, and 18.9 respectively. Similarly, figures for arrests for drunkenness in Boston show that the number of persons arrested for this reason, in each of the last six years, was much less than the number prior to 1919, although since 1921 the number has been greater than it was in 1920, the

> year immediately following Prohibition.'"[1] (14.)

If drunken fathers are fewer, so, also, are delinquent children and criminal youth. In its figures showing the rates of juvenile delinquency in fourteen cities of the United States, the Federal Children's Bureau reported March 20, 1926, a "decline in delinquent children committed to institutions, if growth in population is taken into consideration."

Concerning the anti-prohibitionist and other reports that the prison population is increasing at the younger ages, the Bureau says:

> Contrary to opinions which have been expressed there seems to have been no marked decrease in age of commitment. On the contrary, only 9.4 per cent of the commitments in 1923 were of persons between the ages of 18 and 20 years, as compared with 9.8 per cent in 1904, and with percentages of 11.8 and 12.1 based on persons present in 1880 and 1890, respectively. There has been no increase since 1904, in the percentages of persons between the ages of 21 and 24 years, and the percentages for this age are lower for recent years than for the years 1880 and 1890. The same may be said of the age group 25 to 34. Persons between the ages of 35 and 44 are contributing a slightly larger percentage

---

[1] A report of the Federal Children's Bureau, August 1, 1928, comprising a similar analysis, declares as having been intemperate "37 per cent of the fathers who were in the home" when the cases were reported.

of the total commitments at present as compared with earlier years.

Thus the youth of the land are cleared of the charge of increased criminality since National Prohibition.

Drink Not a Problem in High Schools

At the request of Irving Fisher, a questionnaire was sent during 1928 by Ralph H. White to high school principals throughout the wet State of Connecticut; 104 copies were mailed, 83 were returned. All of the chief high schools in the State replied. Seventy-five declared that drink was not a problem in the discipline of the school, while five were indefinite and eight returned no answer. Fifty-six declared that it was not a problem in the social life of the school, five said it was, eighteen were indefinite, and nine failed to reply.

Similarly, questionnaires sent to about 100 city school superintendents and 100 college Presidents by the Anti-Saloon League and reported June 14, 1927, elicited replies from most of the larger colleges and universities that drinking among the student bodies had ''greatly diminished,'' while Princeton and the University of Wisconsin were the only large universities reporting any appreciable amount of drinking. Most of the high school superintendents reported little or no drinking or a decline in drinking among their students. The survey incorporated high school and university reports from cities scattered over the country.

The following statement from the report of the New York Committee of Fourteen for 1927 proves that its ''eyesight'' has been improved by special funds and greater police activity. The committee's inference that vice has increased under the Volstead Act may be simply the result of this bettered vision. The Committee says in its report:

> II. Investigations:
>
> The undercover investigators may be said to be the ''eyes'' of the Committee. Never before in its history has the Committee had such good eyesight. Never has it been so well equipped to know what is going on in the field of its activities.
>
> During the year, the American Social Hygiene Association, which since the war has maintained a local investigation staff, turned over to the Committee its New York investigators, and a fund of eight thousand dollars to be used only for investigation purposes, thus supplementing the Committee's regular budget, which carries an additional item of $4,500 for investigations. In addition, a pledge of funds was received in November from the Bureau of Social Hygiene to be used for two special investigations:
>
> 1. The prostitution problem in Harlem.
> 2. The part played by night clubs and speakeasies in making new prostitutes.

> This special investigation started on December 1, 1927.
>
> The importance of this increased activity in the matter of investigation is shown in the Secretary's report. The police activity in prostitution cases has increased more than 60 per cent. Because of the trend of prostitution to Night Clubs and Speakeasies, the expense of investigations has been greatly multiplied. Indeed, the extent of the Committee's usefulness in this field is limited only by its income.

Outside the schools the testimony of the Salvation Army, with exceptions noted on the wet side of this chapter, is preponderantly that there is far less drinking among youth than before National Prohibition. The greater freedom of thought and of opportunity among the young, their independence of parental authority, combined with the greater mobility occasioned by a motor age, and not increased addiction to drink, are the forces accounting for the increase in young unmarried mothers. Lieut.-Col. Cowden, in the report quoted in the Wet View of this chapter, does not assign drink as the cause of this increase; although it may be doubted whether her reported reason, namely, ''promiscuous teaching of sex hygiene in mixed classes,'' is of great weight. But the Federal Children's Bureau reported, August 1, 1928, that violations of liquor or drug laws by delinquent children under 16, out of a total of

20,000 reported by 31 juvenile courts in 15 States during the calendar year 1927, constituted only nine-tenths of one per cent of boys' cases and one-tenth of one per cent of girls' cases. ''None of the young men are drunkards,'' Evangeline Booth says in the pamphlet, ''Some Have Stopped Drinking,'' concerning those who apply for relief; ''it is the old fellows who still drink. Prohibition did not cure their appetite for alcohol.''

Of the maternity homes of the Army, she says,

> It is sometimes argued on country-club porches, in the magnificent hotel lounges and in drawing rooms that women are drinking more than they did in former days. I do not think so. The Salvation Army in its Eastern division operates ten rescue homes for women—chiefly unmarried mothers—in New York, Jersey City, Philadelphia, Pittsburgh, Cincinnati, Cleveland, Buffalo and Boston, with a total capacity of 500.
>
> Before Prohibition, in each of those homes we were always trying to straighten out half a dozen or more drink cases, and if you can imagine anything more tragic than a newly born baby lying in the arms of a drink-soaked mother your imagination outstrips mine. To-day, in all our rescue homes, there are no more than half a dozen inmates whose situations are complicated by an addiction to beer or wine or whiskey.

The testimony concerning youthful drinking in the 193 reports of social settlements on which

Martha Bensley Bruère bases her book, is not alarming. Of the young, Mrs. Bruère says, in summing up, that their drinking "is an adventure, a gesture of daring, a sign of revolt, an illusion of power, part of the game they call life; and so far not habit forming nor a serious problem." (15, p. 282.)

Mrs. Bruère's testimony is amply supported by that of the National Education Association, which reported February 16, 1930, through its secretary, J. W. Crabtree, that, by returns received in a survey of one million high school students which was being made for President Hoover's law enforcement commission, the use of liquor by such students is decreasing each year. Mr. Crabtree said:

> Of course, the national survey is not nearly completed, and what the final results will be it is impossible accurately to predict. However, based on the returns before me, I think I can safely say that the drinking is getting less each year among the high school students.

From these statistics it appears that in the early days of Prohibition there was a marked increase in drinking among high school students. But the practice has waned in the last few years. Delinquency and carousing had increased, because some of the students insisted upon having the experience. These, Mr. Crabtree reports, soon saw the folly of drinking and settled down to normal conditions.

CHAPTER IV

IN THE ATTITUDE OF PHYSICIANS?

While eminent medical experts of the type of Dr. Charles L. Dana of New York and Professor E. H. Starling of London advocate alcoholic self-dosage by the masses for the sake of its paralyzing effect on the higher nervous centers, thus causing them to forget their cares and miseries, a struggle is going on within the medical profession as to whether it is wise to prescribe alcohol at all. Among those that hold to the traditional view that alcohol is a medicine, opposition has developed to the Volstead regulation forbidding the prescription of malt liquors and limiting spirituous liquors of beverage quality to one pint per patient within a period of ten days. The appeals of these physicians, led by Dr. Samuel W. Lambert of New York, have been carried to the Federal Supreme Court, which in the case of malt alcohol prescriptions unanimously sustains the Volstead act, and again sustains it, by a division of five to four, in the case of medicinal alcoholic spirits. But Dr. Lambert persists in his efforts. Addressing, April 11, 1929, the Active Committee of the Voluntary Committee of Lawyers, Inc., of New York, devoted to Prohibition repeal, Dr. Lambert proposed a similar nation-wide organization of physicians. He asserted that alcohol was a food, and that the average individual could ingest two ounces of alcohol per day, or two and one-half pints of whisky in ten days—more than double the maximum allowed by the Volstead act in physicians' prescriptions.

WET VIEW

In the book ''Prohibition at Its Worst,'' attention is called to the resolution adopted in June, 1917, by the American Medical Association, in which that body declared its opposition to the use of alcohol as a beverage, and favored discouragement of the use of alcohol as a curative agent. But the book omits to mention what wet physicians assert to be the Association's refusal, in 1921, to reaffirm the judgment of 1917, and further resolutions, in 1922, 1924, and 1925, all of which, as contended by wets, opposed the 1917 resolution. The resolution adopted by the Council of the Association in 1922, declared that it was ''unwise to attempt to determine most scientific questions by resolution or by vote,'' and recommended that the House ''take no action at this time on the question of the therapeutic value of alcohol.''

In his address to the House of Delegates of the American Medical Association, July 8, 1929, Dr. William Sydney Thayer, its President, spoke of ''intemperate'' Federal laws, and of attempts ''to legislate for the whole country as to what we may or may not eat or drink.'' Dr. Thayer denounced such interferences with local and personal rights as a ''tyranny'' that will not long be endured. In response, the delegates to the convention at Portland, Ore., adopted a report especially commending ''the sentiments expressed by President Thayer concerning legislative enactments that are inimical to the best interests of the medical profession and the public by restricting medical men as to what shall and what shall not be prescribed for the relief of human ills.''

Physicians Equally Divided on Alcohol as Medicine

The *Journal* of the American Medical Association, in order to secure the views of a representative portion of the medical profession in America regarding the effect of alcohol in certain diseases, addressed an identical questionnaire to 53,900, or more than one third of the physicians of the United States. Of these, 43,900 were selected by taking every other name on the mailing list of the *Journal*. The 10,000 physicians who were neither members of the American Medical Association nor subscribers to the *Journal* were selected in a similar way from the National Medical Directory. Thirty-one thousand one hundred fifteen replies were received, or 58 per cent of the total number sent out. The replies were summarized in a report published in the *Journal,* part of which follows:

> 1. Physicians of the United States are almost equally divided on the question as to whether whiskey is a necessary therapeutic agent in the practice of medicine; about 26 per cent consider beer necessary; about 22 per cent consider wine necessary.
>
> 2. More physicians of cities over 50,000 in population consider alcoholic beverages necessary than do those in smaller cities and in rural communities.
>
> 3. The large majority of physicians who consider whiskey necessary believe it valuable in pneumonia, influenza and other acute infectious diseases.
>
> 4. A considerable proportion of those who consider whiskey of value utilize it in the treatment of diseases incident to old age and general debility, in convalescence, diabetes, heart failure and shock.
>
> 5. 26 per cent of the physicians who answered the questionnaire consider beer necessary or useful therapeutically, especially in lactation, convalescence, old age, and for the treatment of debility, dyspepsia and anemia.
>
> 6. 22 per cent consider wine necessary and useful, chiefly in the same conditions as beer, but also as a substitute for whiskey.
>
> 7. About one-fourth of the physicians stated that they had seen instances of unnecessary suffering or death which they attributed to the enforcement of Prohibition

laws, including cases due to whiskey of illicit manufacture or poor quality.

States Had Determined Question

In his dissenting opinion in the case of Samuel W. Lambert vs. Edward C. Yellowley, et al., Mr. Justice Sutherland said, with three other Justices of the Federal Supreme Court concurring:

> Plainly, Congress in submitting the Eighteenth Amendment, and the several States in ratifying it, meant to leave the question of the prohibition of intoxicating liquors for other than beverage purposes to the determination of the States, where it had always been. . . .
>
> The suit was brought by a physician of distinction, and, as the court below said, "of wide and unusual experience in the practice of medicine." He alleges that it is his opinion, based on experience, observation and medical study, that the use of spirituous liquors as medicine is, in certain cases, necessary in order to afford relief from known ailments; and that in the use of such liquors as medicine it is, in certain cases, including some now under his own observation and subject to his professional advice, necessary, in order to afford relief, that more than one pint of such liquor in ten days should be used internally and in certain cases necessary that it should be used without delay, notwithstanding that within a preceding period of less than ten days one pint of such liquor has already been used. He further alleges that

in prescribing drugs and medicines the determination of the quantity involves a consideration of the physical condition of the patient and their probable effect in each specific case.

Majority Opinion of Court Is Challenged

In addition to these allegations, we have the fact that Congress, acting upon a report of one of its committees made after exhaustive hearings, declared by statute that the prescription of malt liquors should be prohibited and the prescription of spirituous and vinous liquors should be permitted.

Justifying such legislation the committee had reported that the overwhelming evidence was to the effect that malt liquors (not also spirituous and vinous liquors) had no substantial medicinal value. It is now said by the majority, at one point, that the preponderating opinion of practicing physicians is against the use of all three, and, at another point, that only a minor fraction hold the other view. I am quite unable to assent to these generalizations. On the contrary, the impossibility of determining, from anything now before this court, what is the preponderating opinion upon the subject, is very clear. An examination of the hearings before the House Judiciary Committee, cited as authority for the foregoing statements, shows that the inquiry there was directed to the question of the medical value of malt liquors and that the question of the medical value of the other liquors was not under consideration.

The hearings contain a few casual references to the other liquors; but I feel justified in saying that they reflect no light upon the state of medical opinion as to the value of such liquors as medicines. It is stated in the brief for the appellees that a questionnaire, sent out to one-third of the physicians of the United States, brought a reply from enough to make 21.5 per cent of the whole number of physicians in the country, and that a little more than one-half of those replying voted ''Yes'' on the use of whiskey as a therapeutic agency, some of them, however, taking exception to the word ''necessary,'' saying that no drugs were absolutely necessary.

The American Medical Association, whose resolution of 1917 is referred to, have filed in this case a brief as *amicus curiae,* challenging the conclusion which is drawn from that resolution and vigorously attacking the act now under review as arbitrary and unreasonable. In 1924 the House of Delegates of the Association adopted a resolution expressing its disapproval of those portions of the act ''which interfere with the proper relation between the physician and his patient in prescribing alcohol medicinally.'' It seems plain, therefore, that the most that can be said is that the question is of a highly controversial character; and, since it reasonably cannot be doubted that it is a fairly debatable one, the legislative finding, necessarily implicit in the act, that vinous and spirituous liquors are of medicinal value, must be accepted here.

DRY VIEW

Outlived customs and prescriptions die hard. Two or three generations ago it was the universal custom of physicians to prescribe alcohol in many diseases, including fevers and heart disease, on the theory that it possessed a stimulating action. Now it is the authoritative finding that alcohol never acts as a stimulant, but always as a depressant. Because of this fact most leaders of the medical profession severely restrict or altogether disuse alcohol in their practice. Such leaders are Charles H. Mayo and C. A. L. Reed, formerly Presidents of the American Medical Association, Dr. John B. Murphy of Chicago, Major Frank Billings, M.D., dean of the Rush Medical College of Chicago, and Dean David L. Edsall of the Harvard Medical faculty, and George Blumer, formerly dean of the Yale Medical faculty. The British Medical Research Council says in its report on ''Alcohol: Its Action on the Human Organism'':

> Alcohol in its various preparations has always played a part in the treatment of many diseases, and it is only in recent times that its usefulness has been questioned. The use of alcohol in hospitals has been much reduced, without injury to the patients, and in some clinics it has been abandoned altogether.
>
> There is no doubt that too great importance was laid on the value of alcohol in ill-

> ness formerly, and the only question at issue is whether its prescription has reached the proper limits or should be still further curtailed (16, p. 124).

Alcohol Discarded As a Stimulant

While still attributing to alcohol some therapeutic action as a narcotic, for its "limited food value," and for its aid, in certain cases, in abating "chill," this high British authority makes findings identical with those of the medical faculties of the leading American schools, who would discard its use as a stimulant or in cases of fever.

The contrast of their modern attitude with the old regime is emphasized by the example of Dr. Alexander Lambert, formerly President of the American Medical Association, formerly head of the alcoholic ward in Bellevue Hospital, New York, brother of Dr. Samuel W. Lambert, and, in this matter, his professional opponent.

In a symposium on alcohol followed by a discussion before the Medical Association of Greater City of New York (17), Dr. Samuel Lambert pronounced alcohol a "necessity" in pneumonia and the fevers of infectious diseases, not as a heart stimulant but as a food. He had counted the calories not only in alcohol, but in measured doses of whiskey, apparently assuming that it is dependable when properly aged and matured. Dr. Alexander Lambert replied that he found himself ''in hearty disagreement with most that has been said by my brother and Dr. Coleman.'' He added:

> There is one remark that Dr. Stockard made in which I think he is mistaken. He says ''that alcohol does not injure the brain as does opium.'' I have seen many opium and morphine addicts. I have unpoisoned many of both kinds of narcotized human beings. Clinically the observation has forced itself upon me that more often a person who has been addicted to alcohol has been left, when you unpoisoned him, with a more damaged personality than occurs in those who have even for many years taken opium. This is noticeable especially as seen in the Korsakoff's syndrome, where in reality a personality has been burnt out in depth and finer portions. In an addict who has been poisoned and perverted by opium, if you unpoisoned him, you find the brain has only been functionally disturbed; the personality comes back better to its normal than in those injured by alcohol. That conclusion was forced upon me by personal experience, contrary to what I have been taught. The great clinical teachers of the last generation quoted here, have been, as with my brother, my teachers and my friends, whose opinions I respected, often admired, but who I found, great as they were, were human beings whose judgment was not infallible.
>
> In the matter of the prolonged fevers, as typhoid, I, too, was brought up to believe and

was taught that alcohol was necessary as a remedy. I found that my patients did better, that I had a lower death rate and less perforations, less hemorrhages, when I gave up the use of alcohol.

In studying pneumonia patients I realized that all alcoholic patients were more prone to the disease than the non-alcoholics, and that excess of alcohol increases the tendency in most human beings to infections. I could not, therefore, see the value of such doses of alcohol as I had been taught to use in the treatment of acute infections, either as a food or a remedy. In caring for the pneumonias as they came into the hospital, you were lucky at times if you saved 10-15 per cent of the alcoholic patients. In 1904, I took one thousand cases of pneumonia at Bellevue Hospital and looked up the death rate. I found in the alcoholics it was 50 per cent and in the non-alcoholics 23.9 per cent. How the alcohol could increase the chances of death after they had acquired pneumonia and yet be the drug on which one must rely to put the patient through an acute pneumonia, I could not understand.

With that idea in mind I decided to try to find out what would be my results in the treatment of pneumonia patients if I cut off all alcohol. Therefore I did not permit any alcohol to be given to the non-alcoholic patients and ruthlessly cut off all alcohol from the alcoholics. I tried 100 patients consecutively, first without alcohol, and then with alcohol, and found the death rate for several

> years was invariably 10 per cent lower when I did not give the alcohol than when I did give it. I repeated this experiment four or five times. I looked in the record at Bellevue Hospital and found that my confreres in the other divisions who had not used alcohol in treating pneumonia, had a lower death rate than did those who had used it (18).

In view of multiplied reports such as this and the steady disuse of alcohol by physicians in recent times, the United States Supreme Court rejected the plea of Dr. Samuel W. Lambert.

As the result of a questionnaire sent to the chief hospitals of the country, The Scientific Temperance Federation of Boston found, in 1922, that:

> . . . Ohio reports no alcoholic liquors used in Lakeside Hospital and East Cleveland Hospitals, in the Protestant Hospital Association's Hospitals of Columbus and in Cincinnati General Hospital, also Grant Hospital, Columbus. Other Ohio hospitals report almost none used. None used in public hospitals of St. Louis, St. Paul, Minneapolis, and in Roanoke, Jefferson, and Lewis Gale, Virginia. Not much in Pittsburgh or in the Pennsylvania Hospital, Philadelphia. None in Cook County Hospital, Chicago, or Indianapolis General. Very little in New York City public hospitals and in the hospitals of New Jersey, Wisconsin, Iowa, Michigan and Kentucky.

Nor is the decrease in prescribing of alcohol as a therapeutic agent peculiar to the medical profession in the United States.

The ''Bene Sociale'' of Milan, in the January, 1929, issue (19), presents the summary of a survey by Dr. Jules Comby, of the Children's Hospital of Paris, showing how the use of alcohol is declining in the hospitals, not only of Great Britain, but even of France.

He quotes the experience of Dr. J. D. Rolleston, of the Western Fever Hospital in London, who, accepting the views of Dr. Courtenay C. Weeks, has experimented with decreasing amounts of alcohol in cases of diphtheria. This is the experience reported:

TABLE 1

ALCOHOLIC TREATMENT OF DIPHTHERIA

	1925	1926	1927
Alcohol used, in Weight	73,392 gr.	28,099 gr.	722 gr.
First Quarter	22,615 gr.	25,957 gr.	141 gr.
Second Quarter	9,749 gr.	1,743 gr.	340 gr.
Third Quarter	9,635 gr.	368 gr.	141 gr.
Fourth Quarter	31,372 gr.	71 gr.	99 gr.
Diphtheria Deaths	8.54%	4.42%	3.01%

The report states that Dr. Rolleston's colleagues, convinced by the evidence, have ceased prescribing alcohol as a therapeutic agent.

From Paris comes the report of Dr. M. Boundy, Head of Public Welfare. He gives the following data concerning the use of alcohol in the hospitals of Paris:

TABLE 2

ALCOHOLIC BEVERAGES PRESCRIBED IN PARIS HOSPITALS

Year	Rum Liters	Wines Bottles	Banyuls Wine Liters
1895	41,977	33,003	37,812
1900	41,917	45,568	36,259
1920	7,546	13,543	10,802
1927	4,785	26,724	8,332

Dr. A. E. Goris, of the Central Pharmacy of Paris, makes the following report of rum consumed for therapeutic purposes. In 1912, 23,445 liters. In 1920, they had decreased to 8,160, reaching the low figure of 5,630 liters in 1927.

These figures, when reduced to consumption by patient and day of illness spent in the hospitals of Paris, give the following quantities:

TABLE 3

ALCOHOLIC BEVERAGE CONSUMPTION IN PARIS HOSPITALS

1885 average per day and patient	0.0046 liter.
1900 average per day and patient	0.0040 liter.
1920 average per day and patient	0.0007 liter.
1927 average per day and patient	0.0003 liter.

This would indicate that the disuse of alcohol as a medicine is not peculiar to the United States, and not determined by "resolution or vote" of physicians, but in harmony with the latest scientific findings and with the best knowledge at the disposal of the medical profession.

Few American Physicians Prescribe Spirits

As a matter of fact, the Supreme Court declared that alcoholic prescriptions were forbidden or more severely hedged about in the majority of States than in the Federal law. At the time of the passage of the Volstead Act and the Willis-Campbell Act, or both, in seven States no intoxicating liquor of any kind could be prescribed. In three States prescriptions could be made only if the liquor was made unfit for beverage purposes. In fifteen States only, alcohol could be prescribed for medical purposes. In three States no more than a stated quantity of intoxicating liquor used as a beverage can be prescribed at one time. In eleven States the standards of the Federal law have been specifically adopted. In two States only, physicians not holding a Federal permit may prescribe such liquors.

Furthermore, only a minority of physicians residing in States that permit medicinal whiskey at all are now using the privilege of prescribing it. Commissioner of Prohibition, Dr. J. M. Doran, reported March 29, 1928, the smallest amounts of whiskey withdrawn annually for medicinal purposes in the history of Prohibition. Dr. Doran said:

> It might be interesting to state that of the physicians residing in the States permitting medicinal whiskey but 43 per cent of them used prescription books during the past fiscal year, and while each physician is permitted under the law to use four prescription books a year, less than 30 per cent of them made use of the privilege of using four books.

It is not recorded that this disuse of their privilege by physicians has occasioned any visible increase in the death rate. Quite the contrary.

With respect to the contrary resolutions of the American Medical Association passed subsequent to that of 1917, which declared that alcohol had virtually no value as a medicine, it may be observed that the Supreme Court of the United States seems, in its decisions, not to be favorably impressed by them. Apparently the Court does not believe it is consistent for the Association to pass a resolution one year condemning a thing, and then in subsequent years to reverse that decision without any new evidence being submitted. The Supreme Court's decision might be interpreted as a reply to the subsequent resolutions and to those radical members who believe physicians can arrogate to themselves the privileges and authorities which are denied to the average citizen. The Court rendered a judgment on matters of fact, and it had all the evidence on both sides. Of course, it did not pass on Prohibition nor on the influence of alcohol on longevity, but it did pass decisively on the facts as to whether alcohol was a necessity in medicine.

CHAPTER V

IN DEATHS FROM ALCOHOLISM?

Wet View

Dr. Fabian Franklin, in his book (20), calls attention to the fact that the general decrease in the death rate for all causes is manifest in European countries that are without Prohibition, and in the wet as well as dry States of this Union.

This statement is borne out in a study by John K. Gore, Vice President and Actuary of the Prudential Insurance Company of America, which Mr. Gore submitted to the annual convention of the Association of Life Insurance Presidents in December, 1927. He says: ''In fact, as nearly as I can ascertain, the United States ranks no higher than tenth in the great work of prolonging human life.'' (21.)

In Mr. Gore's table on world death rates per 1,000 of population, the United States stands, in the order named, after New Zealand, Netherlands, Australia, Norway, Denmark, Sweden, Ontario, England and Wales, and Switzerland.

That Prohibition is not a cause of the decreasing general death rate in the United States is, it is claimed, shown by the growing American death rate from alcohol. The rate in 1925 for the United States registration area, comprising nearly the whole population, rises two and three-fifth times above the 1920 rate. This was reported at the Annual Conference of State and Territorial Health Officers and the Public Health Service at Washington, D. C., May 31, 1927, by Dr. Matthias Nicoll, Jr., Commissioner of Health of New York.

TABLE 4

WORLD DEATH RATES FROM ALL CAUSES

STANDARDIZED RATES PER 1,000 OF POPULATION*

Countries	1901-05	1911-15	1921-25
New Zealand	10.4	9.0	8.1
Netherlands	14.3	11.5	9.4
Australia	12.3	11.0	9.4
Norway	12.0	10.8	9.5
Denmark	12.8	10.9	9.6
Sweden	12.7	11.1	9.6
Ontario	12.2	11.7	10.3
England and Wales..	16.0	13.7	10.9
Switzerland	16.5	13.6	11.4
United States.......	16.7	14.0	11.7

Sources: Published data of the various countries.

* Standardized according to the 1901 census of England and Wales.

The increased alcoholic mortality since 1920, Dr. Nicoll declares, is due "in great part to the establishment of a vast national and international machinery for the illicit manufacture, importation and distribution of alcoholic beverages, a large proportion of which are unfit for beverage purposes."

Unfortunately, however, there has been, and there is, especially to-day, a reluctance to report alcoholism as a cause of death. Consequently, statistics may be seriously inaccurate.

Rising Death Rate from Alcoholism

Dr. Louis I. Dublin, Statistician of the Metropolitan Life Insurance Company of New York, reports that there has been a ''constant rise in the death rate from alcoholism and from the associated condition of cirrhosis of the liver. Both of these diseases,'' Dr. Dublin continues, ''were at a minimum in 1920. They are now at a point almost as high as in the decade prior to Prohibition.'' In his paper, read at the meeting of the American Public Health Association in Cincinnati on October 19, 1927, Dr. Dublin notes that the alcoholic death rate of the colored population has risen to the pre-Prohibition level.

The Statistical Bulletin of the Metropolitan Life Insurance Company, for January, 1930, states with respect to deaths of the Company's American and Canadian policyholders:

> *Alcoholism: Poisoned Beverages During 1929*
>
> Acute and chronic alcoholism caused 641 deaths of policy-holders during 1929, with a death rate of 3.4 per 100,000. This marks a slight increase over the record of 1928, when there were 599 deaths and a death rate of 3.3 per 100,000. Deaths from acute poisoning

from wood and denatured alcohol were not included in either of these totals. The 1929 alcoholism death rate is nearly six times as high as that for 1920, the first year of National Prohibition, in which year the lowest mortality from alcoholism was recorded! The 1929 mortality rate is approximately double that for 1918, the final year of the World War; and nearly two and a half times as high as the figure for 1919, the ''War-time Prohibition'' year. The mortality from alcoholism, since National Prohibition, has not been quite as high as for any of the years between 1911 and 1917. Nevertheless, if deaths from wood and denatured alcohol poisoning were added to the totals for years beginning with 1920, and if the comparison were limited to policy-holders in the United States alone, the death rates now prevailing would equal, or very closely approach, those for certain pre-war years.

Alcoholism Deaths in the United States and Canada

The mortality from alcoholism has always been almost negligible in Canada, particularly in the Province of Quebec, where the Metropolitan has nearly 600,000 industrial policyholders, among whom there were only three deaths from this disease in 1929. There were certain states in which the 1929 alcoholism deathrate was considerably in excess of the average. Among these were Maryland, Nebraska, Delaware, Rhode Island, Massachusetts, West Virginia, Vermont, New York, Pennsylvania and Kentucky.

Among approximately seventeen and three-quarter millions of policy-holders in the United States, 628 of these 641 alcoholism deaths occurred, as compared with only eleven deaths among one and one-quarter millions of insured Canadians. During the eight-year period 1922-1929, there were 4,138 deaths from this cause in the experience of the Industrial policy-holders of the Metropolitan Life Insurance Company. Of these, 4,087 occurred in the United States as compared with only forty-eight deaths in Canada! If Canadian wage-earners had had the same alcoholism death rate that prevailed in the United States during 1922-1929, there would have occurred 288 deaths in eight years instead of the forty-eight deaths reported! In the wage-earning populations, at least, the alcoholism death rate during the past eight years has been six times as high in the United States as in Canada.

Deaths from cirrhosis of the liver, which are largely of alcoholic origin, numbered 1,208 in 1929, as compared with 1,217 in 1928; the death rate declined to 6.5 per 100,000, from 6.6 in 1928. The death rate from this disease, unlike that for alcoholism, has shown little variation under National Prohibition. It is lower than for years prior to the World War.

Poisoned Beverages

Thirty deaths were charged to acute poisoning by wood or denatured alcohol in 1929, as compared with thirty-five in 1928, and twenty-nine in both 1927 and 1926. The maximum mortality from this cause of death occurred in the first year of National Prohibition (1920). With the exception of that year, and of 1921, deaths from acute alcoholic poisoning have been unimportant numerically among these policy-holders. (22, Jan., 1930.)

Alleged Poisonous Quality of Liquor

Dr. Charles Norris, Chief Medical Examiner of the City of New York, reports to the Mayor of that city concerning poisonings from the consumption of alcohol or denatured alcohol during the years 1925-1926. Dr. Norris says there is "practically no pure whiskey now obtainable even for medicinal purposes," and that the stuff that passes for whiskey is largely made from denatured alcohol. He finds from the records of New York City that deaths from alcoholism have increased from 621 in 1910 to 741 in 1926; that alcoholic admissions to Bellevue Hospital numbered 4,938 men and 986 women in 1926; that alcoholic discharges from the hospitals of the Department of Public Welfare were 3,437 in 1925 and 3,515 in 1926; that "experience has taught us, and it is common knowledge, that at least all people who drank before Prohibition are drinking now, provided they are still alive, leaving entirely aside the question whether they drink more or less."

Dr. Norris's opinion, based on the experience of the medical examiner's staff and his own, is that there is "actually no Prohibition." He says that "instead of licensed saloons, open to inspection, there are speak-easies which greatly outnumber the licensed saloons of former days. The situation is difficult of control by Federal, State or municipal authority. When speak-easies are closed they spring up like mushrooms in the same field again . . . Because of the poor and poisonous quality of the liquor consumed, steps must be taken as promptly as possible to remedy this public menace. The mortality from this cause, in my opinion, is larger than the vehicular accidents and the illuminating gas poisoning cases combined."

Concerning remedies, Dr. Norris says: "Until all our citizens take a pledge, there is only one remedy—the absolute and strict enforcement by Federal, State and municipal authorities. To function perfectly the Eighteenth Amendment must prohibit importation, compel the closure of all commercial and private stills and home brews, the elimination of bootlegging, and the establishment of a corps of strictly honest Prohibition officials, if any such can be recruited in the United States."

Then Dr. Norris presents the "reverse of the medallion"; it is "that the customs, habits, morals and religious observances of millions of people are to be altered by some miraculous psychologic transformation, which I have seen, heard or know nothing of. Appeal to common sense and unity of ideals and standards seems to me to be the only effective remedy. In a democratic country the ballot, after all, is the determining factor, the solution of a grave public health menace.''

DRY VIEW

It is not traces of poisonous denaturants in bootleg liquors that do mischief. Dr. George H. Bigelow, Commissioner of Public Health of Massachusetts, and the Connecticut Agricultural Experiment Station have banished this bogey.

Dr. Bigelow, in a statement published by The New York Times, December 28, 1928, said:

> There has been a very general increase in deaths attributed to alcoholism since 1920, which has been variously explained, some of the explanations seemingly being dictated by reason and some by emotion. The most commonly accepted perhaps is that expressed in a recent article from the Statistical Division of the Metropolitan Life Insurance Company, according to which the ''rising alcoholism death rate in this country since 1920 cannot, in our judgment, be explained by increased consumption of hard liquor as compared with wartime and pre-wartime years. The reason must lie, we think, in the greater toxicity of the alcoholic liquors which are now used so generally throughout the country.''

> If this is the case we would expect that our laboratory analyses of a number of thousand samples of liquor annually would show an increase in extraneous toxic substance since 1920. No such increase has been found. But it is at least theoretically possible that with the methods used for preparation of illicit liquor and the multiple substances from which it is prepared, there might be introduced a new substance or combination of substances not detected in our routine chemical analysis but which might be highly toxic.
>
> Animal feeding experiments would detect this. Money was obtained from the Delamar Mobile Research Fund at the Harvard Medical School, and Dr. Reid Hunt, with the assistance of H. W. George, tested the toxicity of 100 samples brought into the laboratory of the Department of Public Health by the police. . . .
>
> Their studies would show so far as Massachusetts, at least, is concerned, how groundless, in general, is the resentment against the enforcement agencies of the government for poisoning the liquor supply. Ethyl alcohol, then, is, has been, and always will be a poison which cannot be tolerated by the body in excess, and in the vast majority of cases "alcohol deaths" are due apparently to excessive use of "good, pure alcohol."

In his report covering the years 1910-1925, Dr. Bigelow remarks on the general feeling that deaths from alcoholism are due largely to unanalyzed liquor and in many instances to denaturants knowingly introduced by order of the "nefarious Treasury Department." He says:

> *Aged Liquor More Poisonous Than Unaged*
>
> It is claimed by many persons that if pure whiskey is furnished it can be drunk with impunity and without injury. Persons making this argument ignore the fact that alcohol, the principal constituent of whiskey, is a poison. Others have stated that raw, unaged whiskey is full of fusel oil, aldehydes, etc., which are violent poisons. It can be readily ascertained by looking over the literature that aged liquor, or so-called pure liquor, contains more fusel oil, aldehydes, acids, etc., than does unaged liquor.

The Federal Census Bureau supplies the figures by States for the deaths, both from alcoholism and from cirrhosis of the liver, as well as from wood alcohol and denatured alcohol, so far as such figures are available. In these Federal statistics, supplemented for 1926 by wire directly from State Registrars, it is found:

> 1. That the alleged increase of deaths from so-called poisoned liquor seems to be a myth. This confirms the finding of the Connecticut Agricultural Experiment Station that the only important poison involved is alcohol itself.
>
> 2. That the death rates from alcoholism and cirrhosis of the liver have increased most

> rapidly where nullification has been greatest, particularly in New York and Maryland, which have no enforcement codes.

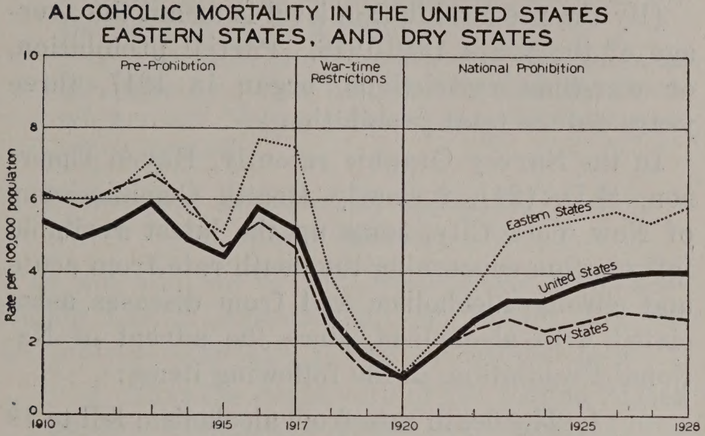
Finally, Prohibition Commissioner Doran stated in an address at Yale University, in 1929:

> The term ''poison alcohol'' as applied to industrial alcohol is not only unwarranted, but there can be no good reason based on fact for the application of such a term. The manipulating of denatured alcohol and the production of a partially cleaned alcohol for illicit beverage purposes will not produce any so-called ''poison liquor.'' Dr. Reid Hunt, of Harvard Medical School, . . . has found that symptoms of wood alcohol or methanol poisoning are not apparent until its concentration in a mixture with ordinary ethyl or grain alcohol has reached about 35 per cent. The maximum content of wood alcohol in any formula authorized for industrial purposes is 10 per cent. Before a person could ingest a fatal dose or a fatal quantity of wood alcohol from a 10 per cent mixture, he would have had to take into his system several times the fatal quantity of ordinary ethyl or grain alcohol (23).

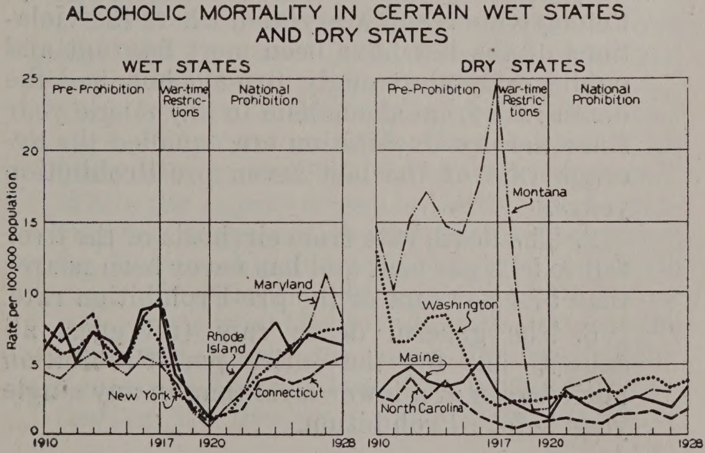
Death Rate Highest in Nullification Area

In those two States where Governor Smith and Governor Ritchie have led in nullification, the alcoholism death rates have increased by leaps and bounds, until, in the case of alcoholism, they have actually reached, or exceeded, the pre-Prohibition

GRAPH 1



GRAPH 2



level. This excess, the drys insist, is the measure of the efforts at nullification.

(By the pre-Prohibition level is meant the average of the years 1910-1916. Partial prohibition, or war-time restrictions, began in 1917, three years before total prohibition.)

In the Survey Graphic recently, Haven Emerson, M.D. (24), formerly Health Commissioner of New York City, sums up the latest available information concerning the death rate from acute and chronic alcoholism and from diseases associated with alcoholism, since the advent of National Prohibition, in the following items:

1. The death rate from alcoholism fell to 19 per cent of the pre-Prohibition rate and in spite of subsequent rises the rate is now less than 75 per cent of the pre-Prohibition rate. Only in the States of New York, New Jersey, Pennsylvania, and Maryland, where the violations of the law have been most flagrant and public opinion strongly pro-alcohol, has the death rate from alcoholism in any single year since the pre-Prohibition era equalled the average rate of the last seven pre-Prohibition years.
2. The death rate from cirrhosis of the liver fell to 54.3 per cent and has never been nearer than 57.4 per cent of the pre-Prohibition rate.
3. The general death rate (all ages, all causes) has for the entire post-Prohibition period been at a lower level than in any single year before Prohibition.

4. The reduction in the general death rate has been more marked for women up to thirty-five and for both sexes under twenty than for the population as a whole.

5. The tuberculosis death rate has fallen at all ages and for both sexes and for both whites and Negroes faster than for any previous period.

Prohibition Lightens Mortality of Women and Children

In his address in 1927, before the American Public Health Association, Dr. Dublin (25) of the Metropolitan Life points out several facts:

1. That the death rate of the United States in the Prohibition years was clearly lower from 1921-1926 than in the pre-Prohibition years 1911-1917.

2. That the Prohibition period "is characterized," in Dr. Dublin's words, "by a sharply declining mortality among children and adolescents of both sexes and in a number of additional age periods among women." That is, "Over half of the total population appears to have experienced a favorable influence in mortality during recent years." While the improvement is partly due to general health preventive and curative activities, Dr. Dublin adds that with respect to the death rate of children, adolescents and young women "it would be too much to say that the conditions within the home during Prohibition years had not been instrumental in furthering the decline." The observations of

> the army of social workers, insurance agents and business men "from one end of the country to the other are virtually in accord that the years of Prohibition have seen an improvement in the economic condition of the homes of the great mass of the American people." It has even been suggested, he continues, "that the 10 per cent of the wages which under the old regime went into the liquor traffic is now largely diverted into channels which mean increased protection and welfare of the family."

But in the mortality of adult males, Dr. Dublin finds that the death rate in the United States is not falling so fast as it might fall. People may not drink so much as formerly, and on this account their families experience a gain; but by continuing to subject themselves to the influence of alcohol they are losing the chance of improving their own health and length of life.

Gore's table on world death rates which forms the wet exhibit is admirable in that it compares three groups of five years each, namely, 1901-1905, 1911-1915, and 1921-1925. Thus the trend of mortality is traced simply and some of the irregularities of individual years are avoided. By contrasting the rate in the Prohibition period 1921-1925, with that for the five years 1911-1915, it is seen that the United States does not stand in the tenth place, but in the second place, among the nations listed in the work of prolonging human life.

Progress is shown by the reduction in the death rate. The reduction in the death rate between these two periods for all causes in the United States is 2.3 per 1,000 population. This is greater than the reduction achieved by New Zealand, Netherlands, Australia, Norway, Denmark, Sweden, Ontario, and Switzerland, and is within 0.5 per 1,000 of the figure for England and Wales.

This is despite the fact that the people of these other countries are, for the most part, homogeneous or long accustomed to living together with similar or unified customs and language. In the United States, on the other hand, one person in every fifteen in 1920 was born in a country which had pre-war death rates from 1 to 34 per cent higher than that of the United States.

Considering the time required to change standards among millions of these transplanted people of differing languages, health customs and habits of living, and the fact that one-tenth of our population is of the colored race, the pronounced reduction in mortality during the period of National Prohibition is gratifying.

Their opportunity for health and longer life was never greater than now. President Kingsley of the New York Life Insurance Company recently noted that science has pushed the dead line much further back, permitting proportionately more persons to come through the productive period. Up to 57 the average life is longer than before.

Alcohol Characterized a Slower Age

By yet another measurement Mr. Kingsley reckons that the average man probably lives twice as long as his ancestors did a generation ago, and five times as long as those of two centuries earlier. This is because survivors at 57 have done from two to five times the work and had from two to five times the experiences and joys of their not distant ancestors who reached that age. We must "learn to live still faster," he urges, and "to achieve more" within the bounds of earthly existence. The difference in speed of living is quite comparable between the motor-car and the buggy-riding eras, so that Mr. Kingsley calculates that in absolute values life has been lengthened to an equivalent of 120 to 300 years. By further developing the alertness and co-ordination of mental and physical powers, Mr. Kingsley predicts that the 100, 200 or 300 years' life experience already virtually gained may be increased to the equivalent of 1,000 years. He answers the query whether men can really do this by saying, "Certainly they can." Our higher nervous centers are not yet fully developed, yet every year hastens this consummation.

This is the conclusion, also, of Frederick Tilney, head of the Neurological Department of Columbia University, after a lifelong study of the human brain. In his just-published book, "The Brain from Ape to Man," Dr. Tilney shows that the characteristic difference between man and the lower animals is precisely in these centers that confer the "far-reaching benefits of that important neural attribute known as inhibition . . . For the direct reflex reaction," he notes, inhibition "substitutes the deliberately considered act. For the limited reflex motor pattern, it substitutes the more complexly organized motor design." (26, p. 1038.) Again: "From a minor position in nerve organization the centers which controlled movement and later co-ordinated movement with the eye, completely overshadowed and dominated the others. It was these centers which in the end made possible that delay between received impulse and outgoing impulse which to-day enables us to judge and to make a choice of action."

But it is these new movement centers, latest in evolution, that are most directly attacked by alcohol. The effect of alcohol, authorities agree, is to paralyze these motor centers which have enabled man by conscious effort to prolong his existence, both absolutely and, in the Kingsleyan sense, by speeding and intensifying the processes of living.

CHAPTER VI

IN POVERTY, CRIME AND DISEASE?

WET VIEW

It is the wet contention that in so far as vice, crime, and disease associated with drunkenness have been caused or occasioned by Prohibition, it has increased poverty because all these forces are immediately destructive of wealth. Silas Hardy Strawn, retiring president of the American Bar Association, declared in August, 1928:

> The crime surveys show that crimes of violence, especially in the urban centers, committed largely by bootleggers and beer runners, have increased to an alarming extent. It is asserted that the existing condition conduces to a growing disregard of all law, especially by our young people, to an extent that is appalling. Frequently we read of policemen and law-enforcing officials being bribed and debauched and of innocent victims being shot down by overzealous officers in their efforts to enforce the Volstead Act (34).

Reports of Increased Crime

By their admission of wholesale corruption and criminality of the Federal and local Prohibition enforcement forces the drys admit the truth of this charge. The late Hudson Maxim, in his pamphlet, "Some Thoughts and Talks on Prohibition," remarks:

> Our police and detective forces are so busy trying to enforce Prohibition and in hunting bootleggers and chasing rum-runners that they cannot properly protect us against thieves, bandits, burglars and highwaymen, while our courts are so crowded with Prohibition cases that even murder must often go unpunished (35).

The report of the National Crime Commission, February 27, 1928, notes that the "most startling thing" in modern crime "is the small number of criminals caught by the police." It adds:

> Robbery in Buffalo, for example, must be a particularly lucrative calling. As arrests are made in only 3 per cent of the cases, the number who are finally convicted is necessarily so small that the luckless individual who is occasionally caught and convicted must attribute his misfortune to an act of God, as he would in case of disastrous storm, shipwreck or earthquake. . . .
>
> The combined figures on manslaughter and murder show 82 per cent of arrests, as compared to crimes reported in England. The same figures for St. Louis are only 16 per cent, for Kansas City 36 per cent, and for Baltimore 68 per cent. Cleveland, which has the high-water mark of efficiency on these crimes, averaged 83 per cent, or 1 per cent more than in England. However, on rob-

> bery Cleveland has a record of 49 per cent, as compared to 80 per cent in England (36).

It was a deep-seated and almost nation-wide feeling based on the every-day news, Fabian Franklin says in "The A B C of Prohibition," that led to the recent formation of the National Crime Commission. Among the leading figures in the movement for this Commission was the late Elbert H. Gary, President of the Steel Trust and prominent champion of Prohibition. Edward E. Gore, retired president of the Chicago Crime Commission, said early in 1928 that 60 per cent of convicts in Joliet penitentiary are under 25, and that girls are playing a more conspicuous part than ever before in crime history. New York's Committee of Fourteen, devoted to an impartial and scientific study of prostitution, reported July 8, 1928, that conditions of vice in that city are at a lower standard than they have been in twenty years; that night clubs and speakeasies violating the liquor laws had caused a moral decline, and the hostesses in these resorts were likened to old saloon habitues by the investigators.

Speaking before the American Institute of Banking Forum, Alfred J. Talley, formerly Judge of General Sessions in New York City, said March 1, 1928:

> Prohibition is a cancer eating its way into the vitals of American life because of the terrible effect it is having upon the lives of our

> boys and girls. Foreigners are not the criminals here; but their sons who are the products of our education, environment and peculiar training may well be. If there is no remedy for existing conditions we cannot survive. No country can stand up under a reign of lawlessness and disorder (37).

The Committee of Fourteen reports that "the speakeasy club situation is in some respects as serious as, if not more so than, the Raines-law hotel which called the committee into existence a quarter of a century ago." It continues:

> For one thing, they are attracting young men and young women of a class who never would have visited the old-time Raines-law hotel. Some of these "clubs" are cloaked with an apparent respectability which is likely to throw the unsophisticated off their guard. The saloons or the Raines-law hotels never catered to young persons of that class, and yet in later years were not permitted to go to such lengths. This is a matter for the people of New York to consider most seriously (13).

Report of Alcoholic Diseases

In the increase of disease associated with alcoholism it is significant that the colored race, which constituted nearly ten and a half million of the population of ninety-five million in 1920, has suffered the higher mortality among both males and females. But white males in the registration area, which covers most of the United States, have experienced a check in their mortality improvement with the years of National Prohibition, and mortality among men has definitely risen after age 35.

With respect to white men, Dr. Dublin remarks that an improvement in tuberculosis has ''gone hand in hand with an increase in the mortality from pneumonia, from accidents, from heart disease and kidney disease.'' He adds:

> During this period there has been a constant rise in the death rate from alcoholism and from the associated condition of cirrhosis of the liver. Both of these diseases were at a minimum in 1920. They are now at a point almost as high as in the decade prior to prohibition. The picture we have found to exist in the mortality of adult men in the United States is entirely consistent with the observations universally confirmed of a continued widespread indulgence in alcoholic beverages by men. Prohibition has not been particularly effective in that sex and especially has this been true in the cities, and, more particularly, in the eastern States.
>
> If the saloon has gone and the great body of men no longer spend a large part of their wages on liquor, it is only too clear that what they do drink now, even if in smaller quantities and at a lesser total cost, is of such a deleterious character as to result in no advantage to their health. The quality of liquor used throughout the country is sufficiently

bad to make up for the smaller quantity consumed. The economic gains help us to understand the condition among women and children; the character of the present supply of liquor helps us to understand the lack of improvement which appears in the mortality of men.

There can be little question as to the unsatisfactory situation now confronting large areas of the country as regards the use of alcohol by men. Beginning with 1920, there has been a continuous and marked rise in the number of deaths resulting from the use of alcohol. In 1920 the death rate from this condition reached its minimum, namely, 1.3 per 100,000. Every year since then, virtually with no exception, has seen a rise and the rate is now more than three times as high as it was only six years ago.

The same condition is found to exist among the industrial classes as among those of larger incomes whose insurances are carried in the ordinary departments of the insurance companies. The insurance results are confirmed by the population figures for the several States and this phenomenon is widely observed, larger States showing more strikingly what can be found in the smaller ones with a little more searching. In Maryland, the alcoholism death rate in 1926 was the highest ever recorded since 1911. In Rhode Island, Michigan and New York, the 1926 rate was the highest with a few exceptions. The records of hospitals for the insane tell a similar story. This situation is in striking

> contrast with what has occurred in neighboring Canada.

Finally, Dr. Dublin notes the increase of degenerative diseases which are commonly affected by alcoholic indulgence:

> The death rate from alcoholism alone is not high. Deaths from alcoholism and from alcoholic insanity are only a small part of the total. These figures are important not so much on their own account, but rather as indications of a condition or habit of life which now prevails. Much more important than the deaths from alcohol are the deaths from the degenerative diseases, such as heart disease, kidney diseases and pneumonia, which are apparently on the rise. Just how far the indulgence in alcohol will explain these increases, it is impossible to say. But, in any case, there is no indication as yet of a tendency toward improvement in these among American men (25).

Dry View

In the revised version of his address before the American Public Health Association in October, 1927 (American Journal of Public Health, January, 1928), Dr. Dublin concludes his comment on the rise in mortality due to the reaction against the prohibition laws in the eastern industrial States, in these words:

> We may then say that the effect of the pro-

hibition situation on the public health has probably been good where there has been prohibition to an appreciable degree, and the situation has been unsatisfactory to the degree in which there has in fact been no prohibition. Especially is this true in those areas of the country and among those classes of the people where there has been drinking of the highly deleterious stuff that passes for alcoholic beverages these days. Such a conclusion is at once consistent with the facts at our disposal and squares with what has generally been accepted as the true relation existing between heavy alcoholic indulgence and individual health.

Alcoholic Diseases Lessened for Nation as a Whole

This exactly coincides with the dry view. Whatever effect Prohibition has had on health has been good. Whatever effect alcoholic indulgence has had has been bad. Only the flouters of the law in the eastern area have themselves to blame if they have not shared the excellent results which Prohibition has produced in the health of the women and children of the entire country. Some of these results they have shared in, despite of their defiance of law. For the reaction against Prohibition failed to bring the death rate up to the old level for the nation as a whole, and only in rare instances, as in New York and Maryland, which were without concurrent laws, has that level in any instance been exceeded.

Both sexes and all age groups have shared in the decline in tuberculosis. To the objection that other health agencies were responsible for that decline the answer is, not wholly. The Statistical Bureau of the Metropolitan Life Insurance Company, of which Dr. Dublin is in charge, in its bulletin of December, 1926, confutes the attempt to deny a direct connection between alcoholic consumption and tuberculosis. It finds that the death rate from tuberculosis tended to be higher where the alcohol consumption *per capita* was greater.

The foreign-born are the element of the population most pronouncedly affected by alcoholism. An index of this is found in the hospital cases of alcoholic psychoses. Foreign stock contributes twice as much as its proportion to population, as shown in the following table:

TABLE 5

PATIENTS IN HOSPITALS FOR MENTAL DISEASE

	Population of U. S., 1920	Alcoholic Psychoses in Hospitals Jan. 1, 1923
Total	105,710,620	6,520*
Foreign-born or of Foreign-born Parentage	38,398,788	5,071
"	34%	77%

Source: Patients in Hospitals for Mental Disease, U. S. Census Bureau (38, 1923, p. 153).

The percentage of alcoholic psychoses of foreign stock among white patients in hospitals January 1, 1923, was three times (4.5%) that of native white stock (1.52%), or of negroes (1.2%). It furnished 54.5 per cent of the hospital population, but 77 per cent of the alcoholic psychoses. The foreign stock among first admissions in 1922 furnished 49 per cent of all first admissions of known parental nativity, but 63.2 per cent of cases of alcoholic psychoses. The amount of alcoholic psychoses in the foreign stock was nearly twice (5.1%) that in the native stock (2.8%).

---

* Whites only.

The Census report of 1923 states that admissions to hospitals with alcoholic psychoses amounted to 10.1 per cent in 1910, and had been reduced to 3.7 per cent in 1922. The report said (38, 1923, p. 61):

> The decline has been brought about by a change in the habits of the people with respect to drinking, and by the eighteenth amendment and laws prohibiting the manufacture and sale of alcoholic beverages.

The decrease appears in a measure in virtually all States, with marked differences, however, in part due to differences in enforcement of prohibition laws, and partly to the racial composition of the States, some containing more people among whom drinking habits are heavy and alcoholic insanity correspondingly prevalent. Other data contained in the chapter on the death rates from alcoholism indicate clearly the net gains from Prohibition to the health of the nation.

Crime and the Eighteenth Amendment

In his address at the annual meeting of the Associated Press in New York, April 22, 1929, President Hoover remarked that a ''surprising number of our people, otherwise of responsibility in the community, have drifted into the extraordinary notion that laws are made for those who choose to obey them.'' But he added:

> In order to dispel certain illusions in the public mind on this subject, let me say at once that while violations of law have been increased by inclusion of crimes under the Eighteenth Amendment and by the vast sums that are poured into the hands of the criminal classes by the patronage of illicit liquor by otherwise responsible citizens, yet this is only one segment of our problem. I have purposely cited the extent of murder, burglary, robbery, forgery and embezzlement, because only a small percentage of these can be attributed to the Eighteenth Amendment. In fact, of the total number of convictions for felony last year, less than 8 per cent came from that source. That is, therefore, but a sector of the invasion of lawlessness.

With respect to the so-called ''crime wave,'' Dr. Fabian Franklin, champion of the wets, while sympathizing with their efforts to prove all they can, declares his ''doubt whether there has been any real foundation for this anxiety.'' Dr. George W. Kirchwey, leading criminologist, in a spirited review of the whole crime situation declared that the "crime wave is a state of mind" and that "crime is an ever-present reality" before which our established institutions stand frankly baffled. He cited the Census Bureau report for 1910-1923, showing a marked decrease during that period of 37.7 per cent in general criminality in the United States in proportion to the population (27). In The New York Times of May 26, 1929, Dr. Kirchwey says, referring to the reports on crime of the Census Bureau of Washington:

> Let us take courage from the official record, covering the eighteen years 1910 to 1927, inclusive, which shows a marked decline of from 35 to 40 per cent in the general crime rate in the United States, and this notwithstanding the immense number of "new crimes" resulting from liquor, drug and traffic laws enacted since 1910. That, in this period of "lawlessness" and "demoralization" incident to the attempted enforcement of the Prohibition law, the offenses of assault, fraud, vagrancy, prostitution and larceny, the last the most common of serious offenses, should all have fallen off by 50 per cent or more, and burglary by 10 per cent or more, should give pause to our Jeremiahs. Nor is the significance of this record materially impaired by the one important exception, robbery, which has gone up over 80 per cent in the same period of time.
>
> Robbery is less impressive statistically than it is in its effect on the public mind, as

TABLE 6

INTEMPERANCE AS A FACTOR IN DEPENDENCY

Per Cent of all Cases where Intemperance was a Factor

YEAR	1912	1913	1914	1915	1916	1917	1918	1919	1920	1921	1922	1923	1924	1925	1926	1927	1928
NEW ENGLAND—																	
MAINE—																	
Portland Associated Charities *a* (1)	....	....	....	....	29.7	15.5	4.8	2.5	0.6	0.8	0.4	1.0	1.9	2.2	3.6	4.1	....
MASSACHUSETTS—																	
Boston Provident Association	....	....	....	12.8	17.8	21.1	17.6	12.8	5.8	2.3	4.6	8.4	10.0	8.6	9.4	7.8	7.9
Boston Family Welfare Society	....	....	....	....	....	26.1	18.0	10.1	2.4	2.4	4.2	8.4	8.1	9.4	8.6	7.0	8.9
Brockton Family Welfare Ass'n (1)	....	....	....	....	....	....	....	2.0	1.8	3.6	1.8	4.1	....	....	3.5	....	....
Haverhill Family Welfare Society	....	....	....	....	42.5	18.4	17.3	17.6	13.6	7.4	9.9	11.9	11.9	16.8	13.7	11.4	10.4
Newburyport Com. Wel. Serv. (1)	....	....	....	....	20.3	13.6	9.7	11.2	7.0	1.0	2.1	3.0	....	7.9	....	....	....
Massachusetts S. P. C. C	....	....	....	....	47.7	....	....	....	....	16.8	20.2	23.2	21.9	18.9	22.2	22.1	20.7
RHODE ISLAND—																	
Providence Family Welfare Society *a*	....	....	....	....	4.9	6.5	5.8	3.6	0.3	0.3	0.0	0.7	1.0	0.6	*1.4	*0.5	1.9
Pawtucket Associated Charities *b*	....	2.3	3.5	1.6	4.6	3.3	0.2	1.0	0.5	0.0	0.6	0.3	0.1	0.1	0.1	0.3	0.2
Newport Family Welfare Society *a* (1)	....	....	....	10.9	18.7	9.9	8.6	9.2	7.5	3.2	5.3	5.9	3.4	2.0	3.6	3.6	....
CONNECTICUT—																	
Hartford Charity Org. Society *a* (1)	....	....	....	14.4	23.8	15.8	11.6	3.8	3.1	1.7	2.2	6.0	6.8	7.6	6.3	6.7	4.9
New Haven Org. Charity Ass'n (1)	....	....	....	....	....	....	....	13.0	7.0	0.3	3.0	4.3	5.4	4.9	7.3	8.6	7.6
Stamford Family Welfare Society	....	....	*c* 9.2	*c* 3.2	4.2	3.9	14.2	7.0	11.4	*c* 3.7	*c* 2.1	*c* 2.1	19.4	11.2	*11.6	*13.1	*8.7
MIDDLE ATLANTIC—																	
NEW YORK—																	
Brooklyn Bureau of Charities	....	....	....	....	....	....	....	....	6.2	4.9	4.3	5.4	7.2	7.9	8.7	9.1	8.0
N. Y. C. Charity Org. Society	....	....	....	....	19.9	19.2	....	....	9.2	8.3	7.2	9.9	11.7	12.0	13.7	12.1	9.8
A. I. C. P. (New York City)	....	....	....	....	....	....	....	....	....	....	....	*d* 1.9	3.5	3.6	4.5	5.8	....
Jewish Social Service Ass'n (N. Y. C.)	....	....	....	....	....	....	....	....	....	....	0.5	....	1.0	....	....	1.6	....
Newburgh Associated Charities (1)	....	....	....	....	*c* 5.8	64.2	23.7	3.0	1.3	0.5	0.4	0.4	....	....	....	....	8.9
Rochester Social Welfare League *a*	....	....	....	....	13.4	20.3	21.4	15.3	4.3	3.8	2.5	3.4	2.5	10.0	11.0	8.4	4.7
Charity Org. Society of Buffalo	....	*j* 20.0	....	....	*j* 20.0	....	....	....	....	....	....	*i* 11.1	*i* 11.5	*i* 11.3	*i* 9.9	*i* 10.3	*i* 9.4
NEW JERSEY—																	
Newark Children's Aid Society	....	....	....	....	17.2	16.0	9.7	*e* 6.6	4.6	5.2	6.5	8.3	7.0	8.5	8.0	8.1	*i* 4.7
Newark Social Service Bureau (1)	....	....	....	....	10.9	10.2	5.8	1.5	*e* 4.3	2.0	4.8	10.0	11.5	14.9	....	....	....
Plainfield Charity Org. Society (1)	....	....	....	....	13.8	17.3	10.1	10.6	4.7	3.0	4.8	7.4	*f* 9.2	11.2	11.9	15.8	10.7
Atlantic City Welfare Bureau (1)	....	....	8.9	9.6	8.2	7.0	6.5	3.9	1.8	1.2	1.3	3.5	2.9	2.3	2.2	3.0	2.3
PENNSYLVANIA—																	
Pittsburgh Associated Charities	....	....	....	11.6	19.9	21.4	20.3	11.5	7.6	4.0	5.7	5.4	9.7	9.9	13.9	14.3	10.8
Family Society of Philadelphia	....	....	....	14.0	18.0	23.0	16.0	8.0	3.0	5.0	10.0	14.0	*11.7	*7.4	*5.4	*6.0	....
United Charities of Wilkes-Barre	....	....	....	....	....	....	....	....	....	....	....	....	....	....	22.7	24.0	....

EAST NORTH CENTRAL— YEAR	1912	1913	1914	1915	1916	1917	1918	1919	1920	1921	1922	1923	1924	1925	1926	1927	1928
OHIO—																	
Cleveland Associated Charities	....	....	....	....	14.4	17.1	14.6	11.1	g 5.6	2.6	5.6	10.8	9.0	9.0	9.7	11.5	14.0
Cleveland Humane Society	....	....	....	....	....	25.0	24.0	6.5	6.6	6.9	6.6	8.2	6.2	6.9	6.2	12.1	15.2
Hamilton Bureau of Social Work (1)	....	....	....	....	....	....	....	6.4	4.1	1.8	4.1	5.0	2.8	5.7	6.0	6.8	....
INDIANA—																	
Indianapolis Family Welfare Society	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	4.0	3.7
ILLINOIS—																	
United Charities of Chicago	....	....	....	....	*8.0	*8.3	*7.0	*6.3	*0.6	*1.1	*2.5	*6.3	*5.5	*7.4	*9.4	*11.9	11.5
Springfield Family Welfare Ass'n	....	....	....	....	....	....	....	....	....	....	2.8	6.6	5.3	7.1	8.6	9.2	6.1
Central Ass'n of Evanston Charities	14.8	16.4	13.8	7.1	6.3	9.2	6.1	2.8	0.5	4.7	6.0	13.9	10.1	8.7	6.0	11.2	10.0
WISCONSIN—																	
Milwaukee Family Welfare Ass'n	....	....	3.4	3.8	4.3	14.8	8.8	9.6	1.6	3.4	2.3	10.7	7.9	13.6	13.9	16.1	....
WEST NORTH CENTRAL—																	
MINNESOTA—																	
Minneapolis Family Welfare Ass'n	....	....	....	....	....	h 12.7	....	....	....	....	....	....	....	....	h 19.4	....	....
SOUTH DAKOTA—																	
Sioux Falls Co. and City Welfare Ass'n	....	....	....	....	....	....	....	....	....	....	....	....	....	....	1.9	0.6	2.4
SOUTH ATLANTIC—																	
MARYLAND—																	
Baltimore Family Welfare Ass'n	....	....	....	....	....	....	6.6	5.1	0.8	1.5	3.2	5.2	5.2	6.7	5.4	6.5	....
DISTRICT OF COLUMBIA—																	
Washington Associated Charities	....	....	....	....	19.0	18.0	10.3	6.0	3.1	4.5	5.1	6.6	10.9	14.4	13.0	11.6	10.0
GEORGIA—																	
Atlanta Family Welfare Society	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	12.9	31.4
SOUTH CAROLINA—																	
Associated Charities	....	....	....	....	....	....	....	....	....	....	....	....	....	9.0	....	29.9	20.1
EAST SOUTH CENTRAL—																	
KENTUCKY—																	
Lexington Family Welfare Society (1)	....	....	....	....	....	7.8	6.6	7.0	1.4	0.4	1.5	1.7	1.4	0.9	....	....	....
PACIFIC—																	
WASHINGTON—																	
Seattle Social Welfare League	....	....	....	....	....	....	....	....	....	*1.8	....	*1.9	*1.8	*1.8	*1.5	*2.5	*3.1
OREGON—																	
Public Welfare Bureau, Portland	....	....	....	....	....	....	0.2	0.3	0.5	....	....	....	....	....	....	....	....
TOTAL	14.8	38.7	38.8	89.0	413.3	445.6	305.5	215.3	132.8	110.1	144.1	236.9	245.4	280.4	304.2	350.5	268.0
Average	14.8	12.9	7.8	8.9	16.5	16.5	11.3	7.2	4.2	3.3	4.2	6.6	7.2	8.0	8.7	9.5	9.2
Number of Cities Reporting	1	3	5	10	25	27	27	30	32	33	34	36	34	35	35	37	29

NOTES: * indicates per cent of major cases. *a* Major cause. *b* Only cause. *c* New cases. *d* Low percentage due to incomplete marking of family problems on the part of field workers. *e* Eight months only. *f* Change in fiscal year. *g* Fifteen months. *h* Intemperance *and drug addiction* as factors. *i* Percentage based on total "major care" cases. *j* Somewhat over twenty per cent.

SOURCE: (1) Data received from Scientific Temperance Federation of Boston. All other data, including all returns for 1928, from reports sent to Irving Fisher directly

COMPILED BY: Alcohol Information Committee.

> the ratio of hold-ups, even now, is only one to three burglaries and one to eight cases of larceny. It is more the sensational way in which robbery is performed nowadays and the attention which it receives from the newspapers that have given it its evil eminence. Without the new-style robber, equipped with the automatic and his high-powered car, and the still more modern ''racketeer,'' with his machine gun and bomb, there would have been no crime wave and no despair as to the fate of the Republic.

An interesting suggestion is that decreases in larceny, burglary, fraud, and so on, probably mean that the class of criminals who ordinarily committed offenses of this kind have to a considerable extent turned to violation of anti-liquor and anti-drug laws as more profitable. The violation of these laws therefore represents a transference of criminal activity rather than new activity, while, as the table shows, the net result was a decrease of 37.7 per cent in commitments in 1923 as compared with those of 1910.

Less Alcoholism, Less Poverty

On the side of the influence of Prohibition on poverty, there are no economic authorities who venture to dispute its favorable aspects. Its influence on intemperance as a factor in dependency is summed up in the table herewith. The great majority of the forty-four charitable organizations reporting show a lower percentage of intemperance than the pre-Prohibition average.

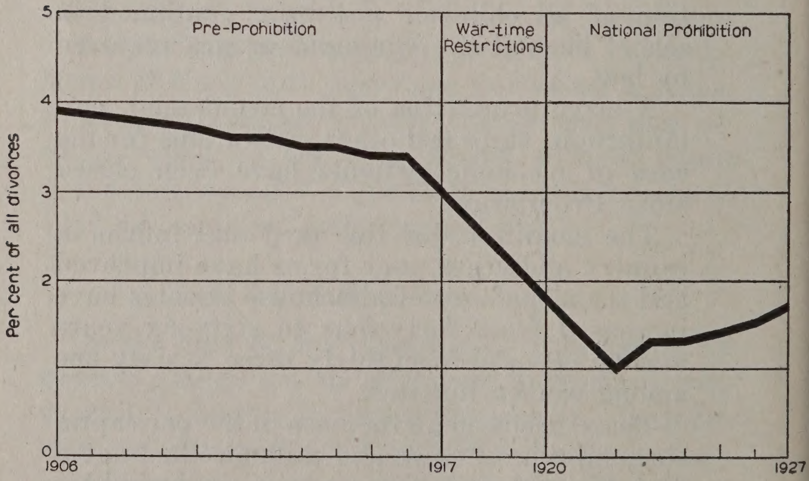
In his summing up the hygienic benefit to the nation under the title of "Prohibition and Public Health," Haven Emerson, M.D., said:

> There has been less delinquency from alcoholism.
>
> There have been fewer crimes against chastity.
>
> There has been less brutality to and neglect of children in their homes because of alcoholism.
>
> A smaller fraction of all material relief is now needed, because of alcoholism as a cause of dependency.
>
> There has been an increase in the proportion of all children who have continued in school beyond the minimum grades required by law.
>
> A large proportion of the commercial, philanthropic, state and other institutions for the care of alcoholic patients have been closed since Prohibition.
>
> The conditions of the aged and infirm in country and other poor farms have improved and the mean ages of almshouse inmates have increased from forty-four to sixty-six years among men and from thirty-three to sixty-one among women inmates.
>
> There has been an increase in the per capita consumption of milk and milk products at a faster rate than during any similar period before Prohibition (24).

Bearing on the problem of dependency is the subject of divorce for reasons of drunkenness. Married couples are divorced less on this account than in the pre-Prohibition era. In the graph on divorce, the divorces are rated in terms of the number of married couples. The conclusion from the official figures (65) is beyond dispute that the hazards of disruption of married life because of drinking have been reduced by about one-half since the days of the licensed saloon.

Graph 3

PERCENTAGE OF DIVORCES CAUSED BY DRUNKENNESS IN THE UNITED STATES



CHAPTER VII

IN INCREASED DRUNKENNESS?

Wet View

During National Prohibition drunken drivers of motor cars have increased. It is claimed that the Keeley cures for alcoholism have doubled. Police records are marshaled indicating increased arrests for drunkenness in American cities.

If crude statistics of arrests for drunkenness are a sufficient gauge, it would appear that the City of New York, center of wettest sentiment, is the most temperate of any considerable population group in the country; that the States which lack laws in harmony with the Volstead Act or are wet in sentiment stand next to New York City in order of temperance, and that those States that had prohibitory laws before National Prohibition are growing wettest in their habits.

Lawson Purdy, a trained observer, Director of the New York Charity Organization Society, one of the leading tax experts and treasurer of the Russell Sage Foundation, calls attention (New York Times, June 10, 1928) to the small ratio of 20 arrests for drunkenness in New York City during 1925, per 10,000 of population, as based on the census of 1920. This Mr. Purdy contrasts with the rate in 1905 of 60 per 10,000 in New York City, from which the 1925 rate has shrunk.

Mr. Purdy uses the figures of the Moderation League of New York, which are not corrected for increase in population. Of this omission the Moderation League speaks in its *National Survey of Conditions Under Prohibition—1928:* ''No effort has been made to estimate fluctuations in population from year to year. . . . At best such estimates would be speculative and open to suspicion of partisan bias. Only absolute figures, not susceptible to dispute, are here given.''

New York City Comparatively Sober

Without questioning this statement for the present, it appears from this reckoning that, in 1925, there were only ten cities in the United States showing a smaller rate of drunkenness arrests per 10,000 than New York City. The largest of these are Berkeley, Cal., and East Orange, N. J., with arrests, respectively, of 5 and 19 per 10,000 population. Berwin, Ill., Holland, Mich., and Rutherford, N. J., match New York's record of 20 per 10,000. ''Of the whole list of 563 cities,'' Mr. Purdy says, ''there are 282 with 119 arrests per 10,000 or more. Right on the middle line, therefore, is the city with six times as many arrests as New York. If New York had as many, it would have more than 60,000 arrests instead of 11,011.''

It is true that New York City's traffic problem is graver than that of any other city. Mr. Purdy calls attention to the fact that in every city manned with a police force "persons who are drunk and obstruct traffic, or who annoy their neighbors are likely to be arrested." He adds: "If we find ten times more arrests in proportion to population in one place than in another, we are at least certain that intoxicating beverages are available in both places, and to a greater degree, probably, where there are more arrests." Considering the traffic dangers of New York, it seems obvious that the strictness of her police in arresting drunken men on this account must be at least as great as in less crowded cities.

But Mr. Purdy's compilation shows that seven cities of Prohibition Kansas arrested 112 persons for drunkenness per 10,000 in 1925 to New York City's twenty, and that eleven cities of Prohibition Maine arrested 158 per 10,000, with Lewiston leading the list, 290 per 10,000!

These unfavorable rates are many in the Prohibition South. Little Rock in Arkansas records 107 arrests for drunkenness per 10,000. Columbus and Vicksburg in Mississippi arrested 173 per 10,000, eight times New York City's record in 1925. The average for five cities in Prohibition North Carolina is 136 per 10,000; of eight cities in Texas, 199 per 10,000; seven cities of South Carolina, 208; nine cities of Virginia, 224; three cities of Alabama, 231; six cities of Kentucky, 239; three cities of Louisiana, 351; four cities of

Georgia, 375; and three cities of Florida, 592 per 10,000. For the fifty-four cities enumerated the average rate of drunkenness arrests in 1925 was 275 per 10,000 in a population of 2,979,656, as compared with the rate of only 20 per 10,000 in the greater aggregate population of New York City. It should be borne in mind, also, that New York City always has a floating population of visitors and commuters numbering many hundred thousands who are not included in her census records. Public drunkenness among these floating hundreds of thousands would lead to arrests that would tend to swell the rate per 10,000 of New York's population. Yet that rate has been reduced from 60 to 20 in the last twenty years. In considering this long decline Mr. Purdy draws the following conclusion:

> One very important reason for New York's temperance is obvious to any one who knows the composition of the population. Over 69 per cent of the population of New York is foreign born or the children of foreign born. A large percentage of these people come from eastern and southern Europe. They still have their European manners. They have not come to the point where they regard alcohol as a means of drunkenness.

In comparing arrests for drunkenness in the wet and dry States the survey of the Moderation League for 1928 reports:

> The Police Departments of 584 places have

supplied their figures of arrests for intoxication for the four years 1924 to 1927; 518 departments for the eight years 1920 to 1927; and 388 departments for the fourteen years 1914 to 1927.

The most significant things disclosed by this year's figures are:

1. In the 584 places arrests for drunkenness increased from 640,125 in 1924 to 676,708 in 1925; to 695,928 in 1926; and to 707,104 in 1927.

2. In the 518 places arrests for drunkenness in 1927 reached 238% of the figures for 1920, the first year of national prohibition which was the lowest year for drunkenness.

3. In the 388 places reporting from 1914 to 1927, arrests for drunkenness in 1927 were higher than in any previous year, save only the war-boom peak of 1916. The 1916 peak was 559,364 arrests for drunkenness, and 1927 almost reached it—being 557,369.

4. Conditions in the former so-called "dry" states are very much worse today, compared with the 1913 pre-war level, than are conditions in the so-called "wet" states. In the places reporting from dry states there were 106,072 arrests for drunkenness in 1914, reached a peak of 115,810 in 1915 and then dropped to the low point of 59,941 in 1919, during the war-time restrictions. In 1920, the first year of national prohibition, they rose and have risen each year since then. In 1926 and 1927 the rise became sharp again, after slowing down somewhat in 1924 and

1925. In 1927 it reached 134,327, which is way above the 1914 level and the 1915 peak.

In the ''wet'' states, on the other hand, the low point was in 1920. The rise in 1921, 1922 and 1923 was sharp and for later years the rate of rise slowed down somewhat. In 1927 it reached 423,042, which is almost the 1914 level of 424,295. In the grand total of 384 places in wet states reporting for 1926 and 1927 the increase was from 511,605 to 513,872 in the latter year. From this we may conclude that in the wet states conditions remained almost stationary in 1927.

Increasing Addicts and Drunken Drivers

But two other gauges are applied by the wets in measuring the prevalence of drunkenness in the nation. They have to do with the increase or decrease of Keeley cures for habitual drunkards, and the arrests for drunken driving of motor cars.

On both of these counts National Chairman W. H. Stayton of the Association Against the Prohibition Amendment has supplied Irving Fisher with data from Clarence True Wilson, General Secretary of the Board of Temperance, Prohibition and Public Morals of the Methodist Episcopal Church, acknowledging inaccuracy in his statement that the Keeley Institute at Dwight, Ill., was closed and the Government had filled it with returned soldiers from France. But it is true that the old large building was sold, and the institution, while continuing to operate, does so in a much smaller building. Under date of March 2, 1926, Chairman Stayton says, the Superintendent of the Keeley Institute at Dwight "writes that it has been running continuously for fifty years. He states that 'during the period of regulation (1917 to 1919) the business fell off, but it has gradually built up until last year (1925) we treated more patients than in any year since 1917.' " Mr. Stayton checked up on this statement, as follows:

> Then we caused a further investigation to be made by an ordained Methodist minister, so that we might not be accused of manufacturing figures. He reports that the Keeley people were running only six institutions in 1919, and that they are now running twelve, and as to the organization at Dwight, he advises that it had 186 inmates in 1920; 289 the next year, and then in succession 342, 392, 350 and 407.

With respect to arrests for drunken driving, Mr. Stayton says:

> The figures show that motor vehicles in the entire United States increased 163 per cent from 1919 to 1925.
>
> It is not practicable, of course, to say how many automobiles there were in any one city at any one time, for visitors come and go, so the best that can be done is to assume the nation-wide figures as fairly covering most of the cities.
>
> From these cities information can be gotten as to the increase in arrests for drunken

> driving, and here are some of the figures showing increase in this item in 1925 over 1919:
>
> | | Per Cent |
> |---|---|
> | Boston, Mass. | 383 |
> | Hartford, Conn. | 614 |
> | Springfield, Mass. | 363 |
> | New Haven, Conn. | 753 |
> | Providence, R. I. | 283 |
> | Washington, D. C. | 383 |
>
> Taking the report of the Registrar of Motor Vehicles for the entire State of Massachusetts, we find the situation to be that automobiles increased in that State 196 per cent from 1919 to 1925, while revocations for drunken driving increased 740 per cent during the same period.
>
> The New Jersey figures obtained from the Commissioner of Motor Vehicles show an increase of 273 per cent in the automobiles, but 753 per cent in revocations for drunken driving.

From the above exposition, therefore, it would appear that Prohibition is still at its worst with respect to drunken driving, addicts of alcohol, and arrests for drunkenness in the United States.

Dry View

The high price of drinks, as vouched for by twelve reporting out of twenty-five Prohibition Administrators, furnishes a statistical gauge, not hitherto applied, of reduced drinking by the masses during the period of war-time restriction and national Prohibition. The following average prices of alcoholic beverages, as of January 1, 1928, are derived from reports received from Prohibition Districts I, VI, VII, XI, XII, XIII, XIV, XVII, XIX, XXIII, XXIV, and XXV, which cover the New England States, Western Judicial District of Pennsylvania, West Virginia, Maryland and the District of Columbia; Kentucky and Tennessee; Ohio, Illinois, Indiana and Wisconsin; Michigan, Minnesota and North Dakota; Texas and Oklahoma; Montana, Idaho and Utah, and Hawaii and Porto Rico. With the exception of lager beer, the 1916 average price of each beverage is taken from advertised liquor price lists of Park and Tilford and the Greenhut Department store in New York. The table follows:

TABLE 7

PRICES OF ALCOHOLIC BEVERAGES, BEFORE AND DURING PROHIBITION

	Average Price per Quart		Increase Per Cent
	1916	1928	
Lager beer	$ .10	$ .80	600
Home brew		.60	
Rye whisky	1.70	7.00	310
Corn whisky		3.95	147
"White Mule" bootleg whisky		3.20	100
Gin	.95	5.90	520
Gin (synthetic)		3.65	285
Brandy	1.80	7.00	290
Port Wine	.60	3.90	550
Sherry	.60	4.32	600
Claret	.80	3.00	200

Enormously Increased Price of Drinks

It appears, therefore, that while the standard of living of the majority of those gainfully employed was increasing by less than one-fifth from 1916 to 1926, the price of alcoholic beverages mounted to from treble to seven-fold the price in 1916.

From these figures may be inferred both the scarcity of intoxicants under national Prohibition and the identity of the classes that drink them or can afford to drink them. These classes are composed of bootleggers and patrons who belong mainly to the upper middle and richest classes with incomes above $2,600 per standard family of five, constituting only one-fifth of the population of the United States.

A reckoning of the income in 1926 of the ninety-three million people comprising the combined ''poorest'' and ''lower middle'' classes among Professor Willford I. King's apportionment of four population groups, shows a per capita income of $510, or $2,550 per standard family of five. This allows for each group of five among four-fifths of the nation, only an estimated $117 a year (according to the standard budget estimate by the Labor Bureau, Inc., of New York in several American cities during 1926), which could be applied to omitted items above the ''minimum of health and decency, below which a family cannot go without danger of physical and moral deterioration''—to quote the Federal Bureau of Labor Statistics on this budget.

Has the standard family of five among this majority of four-fifths put the extra $117 of its yearly income into drink or into savings, insurance, and installments on radios, talking machines, small motor cars and ''Own-your-home'' budgets? Statistics indicate that they have trenched somewhat upon their other living comforts, and even necessaries, in order to add these items to their budgets instead of spending surplus income on riotous bootleg booze.

The records of the automobile, electrical and other industries purveying to the masses show where some of their extra incomes have gone, in payments for installment purchases.

But it is admitted that during the period of national Prohibition the propaganda and incitement to law-breaking among restricted classes has caused a temporary reaction of lawlessness and recrudescence of drinking throughout the country, including wet-minded and dry-habited New York City, and the wet and so-called dry States —that is, the States that had adopted state-wide Prohibition before the period of National Prohibition.

The comparative sobriety of New York City, whose population equals the aggregate of many States, is acknowledged by the wets. It is not so pronounced as Mr. Lawson Purdy's figures would indicate, because, due to the poisonous quality of liquor, many drunks picked up by the police are sent to hospitals directly. They do not appear as arrests by the Police Department but are merged with ''alcoholic discharges'' in the records of the hospitals and the Department of Public Welfare. Yet it is apparent that New York is comparatively sober. One important reason accounting for the sobriety of New York City is the overwhelming foreign population of recent immigration. The Jewish immigrants in particular are very sober; other groups of immigrants, especially Latins, though accustomed to wine and beer in their native land, find that the struggle for existence in New York City does not permit them to squander money on alcoholic beverages. Incidentally, these groups of immigrants are not accustomed to the American bar and most of their drinking is done in the home where they are not likely to be subjected to public arrest. New York City's growing habit of sobriety has further been explained partly by the intensely competitive conditions of living in New York that demand clear brains, partly by the richness of its diversions in education and the arts, and partly by the economic needs of its masses. The same conditions governing the rapid development of modern life obtain in greater or less degree throughout the nation. Considering the effort of adjustment to these conditions with the restricted income of four-fifths of the people, during the period of increasing thrift and a rising standard of living, it is manifest that this majority has been helped and not harmed by Prohibition. Moreover, it is not Prohibition but law-breaking that has harmed a portion of the well-to-do minority and their illegal retainers, and the foreign-born who "drink moderately," as shown in Chapter VI, nevertheless furnish the highest percentage of cases treated for alcoholism in the hospitals.

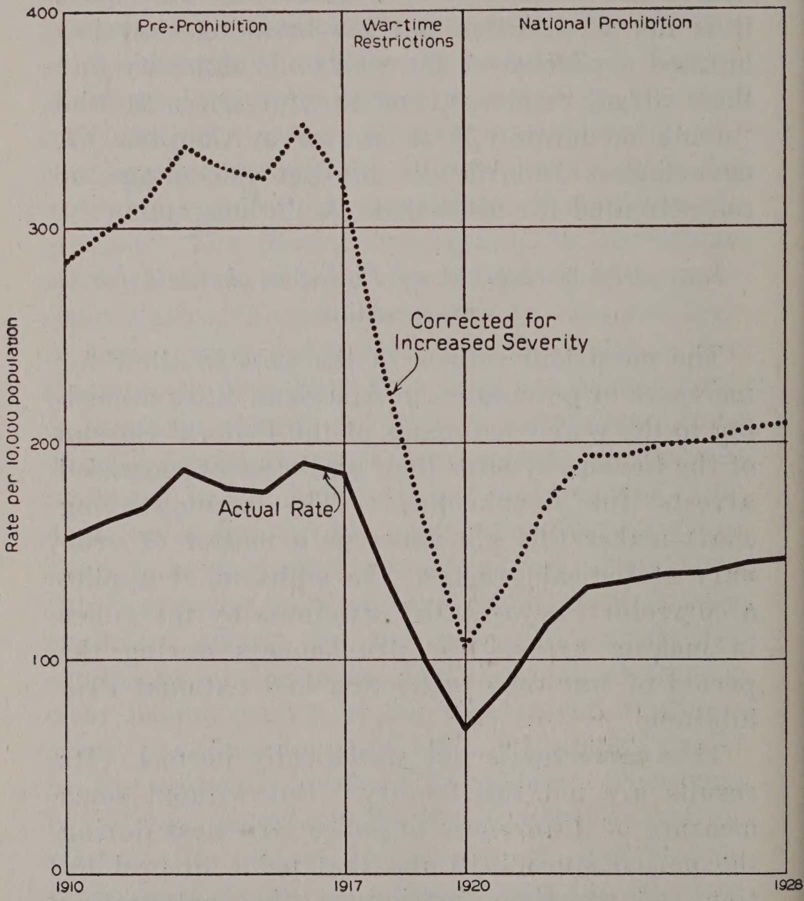
Increased Strictness of Police in Arrests for Intoxication

The persistent refusal of the wets to allow for increases of population in American cities according to the yearly estimates of the Federal Bureau of the Census, vitiates their statistics of increased arrests for drunkenness. The accompanying chart makes this allowance as a matter of ordinary statistical practice. In addition, it applies a corrector for increased strictness by the police in making arrests for drunkenness during the period of war-time restriction and national Prohibition.

This corrector is not statistically perfect. Its results are not satisfactory. But without some measure of differences in police strictness during the period since 1919 and that prior to prohibition and war-time restrictions, the comparative

GRAPH 4

ARRESTS FOR INTOXICATION IN THE UNITED STATES



figures of arrests for drunkenness would be of little worth. The omission of this measure by the Moderation League, together with its lack of allowance for increased population, was criticized in the book, "Prohibition at Its Worst." The book then applied a correcting ratio for increased police stringency—not as a result of first-hand investigation, and not insisted upon, but derived from a calculation by R. E. Corradini, of 40 per cent stringency during the pre-Prohibition era and 90 per cent stringency during the Prohibition era.

An inquiry into police strictness was made through a questionnaire addressed to the heads of police, and the results were tabulated from replies made by 320 police departments throughout the country. The answers submitted by the police departments show that more than one-half of the police chiefs agreed on the ratio of 40-90. This would contradict the statement published by the Association Against the Prohibition Amendment (28, pp. 9-10) in August, 1929, to the effect that increased severity ratio is based on quotations from *police chiefs in a few small cities.* The reply from the police department of Los Angeles was to this effect:

> *Irving Fisher Question* 7: Are your answers above based on your own personal experience before and after Prohibition?
>
> *Answer:* A composite of the experience of

> desk sergeants who were patrolling and booking during the entire period.
>
> *Irving Fisher Question* 8: Any remarks?
>
> *Answer:* Pre-Prohibition practice was to arrest only those who were positively offensive or in danger to themselves. Now, almost all are arrested.
>
> (Signed) James E. Davis, Chief of Police
> by Fred A. Knoles, Statistician

An analysis of the answers was given out in a press release by Irving Fisher on September 5, 1927. In this press release the ratio was corrected by Irving Fisher to 55-70 in order to be safely within the bounds of probability.

Irving Fisher has since undertaken an independent investigation of arrests for intoxication in the United States covering the period from 1910 to 1928 and based on the official police returns compiled by the Alcohol Information Committee for more than 800 cities and towns.

On page 124 is given the data received from the police departments from 1910 to 1928. Allowance has been made for the increase in population, and the Fisher corrector for increased severity has been inserted. The rates and the corrected rates for this period are shown in the graph on page 120.

Ignoring the corrector but simply making allowance for increased population, it appears that in 1916 over 191 arrests were made for every 10,000 population. During the war-restriction period there was a steady decrease. In 1920 less than 68 were arrested for intoxication for every 10,000 population. Since prohibition the rate has increased from 1920 to 1923 about as fast as it decreased from 1917 to 1920. It appears that the reaction spent itself largely in 1923. Since then there has been a slight increase, but even under ‘‘Prohibition at Its Worst’’ the rate of arrests for intoxication is still below the rate of the saloon era.

In a letter to Irving Fisher, Lawson Purdy states that he accepts statistical evidence only when it conforms with his general observation. No observer who has taken notice of drunks in public places can fail to observe the ever-diminishing number of drunks met on streets or in hotel lobbies and in public places in general. If general observation is to be taken as evidence, it would appear that the increased number of arrests made in recent years is not an index of increased drunkenness but of ever-increasing severity on the part of police departments, thus making the 55-70 ratio apparently too conservative.

Drunken Drivers and Keeley Cures

With respect to arrests for drunken driving of motor-cars, the conclusions of ‘‘Prohibition at Its Worst’’ are confirmed by the findings of Professor Herman Feldman (9, p. 335). Professor

TABLE 8

ARRESTS FOR INTOXICATION IN THE UNITED STATES

YEAR	No. of States	No. of Cities & Towns	Population Cities & Towns	Total Arrests	Rate per 10,000 Pop.	I. F. Corrector	I. F. Corrected Rate	Index of I. F., Corrected Rate. Base: 1926=100%
1910....	43	546	21,169,700	331,026	156.37	55	284.31	81.73
1911....	43	555	22,337,337	365,961	163.83	55	297.87	85.63
1912....	44	566	23,275,104	396,895	170.52	55	310.04	89.13
1913....	45	590	25,254,320	470,214	186.19	55	338.53	97.32
1914....	47	662	26,957,088	485,079	179.94	55	327.16	94.05
1915....	48	697	28,622,666	508,086	177.51	55	322.74	92.78
1916....	49	729	30,002,314	574,020	191.32	55	347.85	100.00
1917....	49	757	32,170,566	598,922	186.17	58	320.98	92.27
1918....	49	775	33,270,712	465,821	140.01	60	233.35	67.08
1919....	48	779	34,011,733	343,972	101.13	62	163.11	46.89
1920....	48	798	35,196,827	238,631	67.80	64	105.94	30.46
1921....	49	821	36,285,639	320,518	88.33	66	133.83	38.47
1922....	49	836	37,357,218	432,280	115.71	68	170.16	48.92
1923....	49	851	38,327,612	510,812	133.27	69	193.14	55.53
1924....	49	847	39,549,472	535,770	135.47	70	193.53	55.64
1925....	49	837	40,002,874	558,569	139.63	70	199.47	57.34
1926....	49	841	41,022,333	575,026	140.17	70	200.24	57.56
1927....	49	862	41,477,382	598,779	144.36	70	206.23	59.28
1928....	48	792	36,957,785	540,088	146.14	70	208.77	60.02

Source: Data sent by Police Departments to Irving Fisher directly. Compiled by Alcohol Information Committee.

Feldman refers to the Statistical Bulletin of the Metropolitan Life Insurance Company of July, 1926, which reports an analysis showing that the doubling of traffic density does not double the accident frequency, but quadruples it. Hence motor-car accidents normally increase much faster than the increase in number of cars operated, and probably, in any community, nearly as the square of the increase in the number of automobiles, where drunken drivers are concerned. With sober drivers, of course, the increased chances of accident are in some degree neutralized by added skill and watchfulness, as well as by improved brakes.

It may be added that part of the alarming increase in automobile casualties is due to defective brakes, lamps and steering gear. This is the conclusion reached by William R. Dawes, Chairman of the Grade Crossings and Highway Intersections Committee of the Department of Commerce at Washington. In a statement given to the press on June 20, 1929, Mr. Dawes said that of more than five million cars inspected in 1927 and 1928, nearly 1,700,000 required brake correction to comply with existing laws, more than 230,000 had defective lamps, nearly 78,000 had defective steering gear, and about 200,000 were below legal requirements in other respects. He reported estimates indicating that from 5 to 40 per cent of all serious accidents on the highways are due to faulty maintenance.

Furthermore, cars are no longer driven so exclusively by responsible and trained chauffeurs as they were a dozen or fifteen years ago. All kinds of people drive them, trained and untrained, and accidents increase. The added arrests for reckless driving also are accelerated by increased legal and police stringency. In the case of New Jersey, whose Motor Vehicle Commissioner reports an ''alarming increase of intoxicated drivers,'' due to easy access to intoxicants, Professor Feldman says: ''Let us assume that the explanation is the correct one. We may then ask further: 'Would the Government be able to reduce the menace of the drunken driver by making liquor even more accessible?' " This question is further discussed in Chapter XIII.

Another index of increased drunkenness insisted upon by the wets, is in the number of Keeley cures at present operating. These, according to the statement of Dr. J. H. Oughton, Superintendent of the institution at Dwight, Ill., to Chairman Stayton of the Association Against the Prohibition Amendment, numbered 12 in March, 1926.

A memorandum from Miss Cora Frances Stoddard, Secretary of the Scientific Temperance Federation of Boston, cites a report by Dr. Oughton that "twenty years or more ago, there were fifty Institutes in operation" which received from the Keeley cure at Dwight its remedy and instructions for treatment, and that by January 1, 1920, these had dwindled to fourteen. If there were but twelve in 1926, that represents a decrease of two since 1920, and not an increase, as reported to Captain Stayton. Miss Stoddard adds:

> The list of 6,807 hospitals and sanitariums registered by the Journal of the American Medical Association of March 24, 1928, contains only eight institutions classified specifically for treatment of alcohol and drug addicts. These eight institutions have 183 beds, but the average number of patients is only 90. Three of these are in New England, two in New York, one each in New Jersey, Pennsylvania, and Illinois, all wet centers. The Federal Prohibition Unit had on June 30,

1927, a list of fifty hospitals engaged in treating alcoholism which have a "Federal permit," presumably for liquor. There is no record as to whether these are exclusively for inebriates. There is no "Neal" institute on the list; at one time there were 60. I compiled and interrogated in 1922 a list of 273 institutions which formerly accepted alcoholic patients, with the following result:

No report	91
Reported out of business	117
Reported "Not Found"	14
Reported in business	51
Inebriate patients only	27
Patients inebriates in part	23
Inebriate patients discontinued	1

In Massachusetts, the one large remaining institution (Washingtonian Home) admits more alcoholic patients than formerly, but the number is about 40 per cent lower than the pre-prohibition number formerly taken by this institution and the State Hospital for Inebriates, which is now converted to other uses. All the State Hospitals for Inebriates have ceased to function for this purpose. The other one large existing institution for inebriates, the Washingtonian Home in Chicago, was so reduced in patients that it built a general hospital, in connection with which it cares for such alcoholic patients as come to it.

The subjoined table gives the admissions as reported over a number of years:

TABLE 8A

ADMISSION OF INEBRIATES TO THE WASHINGTONIAN HOME OF CHICAGO

1863	23	1885	757	1907	1,138
1864	35	1886	867	1908	935
1865	45	1887	928	1909	924
1866	47	1888	837	1910	872
1867	155	1889	983	1911	850
1868	127	1890	1,414	1912	928
1869	155	1891	1,319	1913	1,123
1870	230	1892	1,620	1914	1,017
1871	280	1893	1,398	1915	1,019
1872	166	1894	710	1916	1,114
1873	198	1895	644	1917	995
1874	289	1896	613	1918	733
1875	274	1897	699	1919	567
1876	228	1898	775	1920	125
1877	258	1899	886	1921	171
1878	235	1900	955	1922	216
1879	359	1901	989	1923	212
1880	512	1902	1,156	1924	226
1881	536	1903	1,429	1925	271
1882	670	1904	1,402	1926	379
1883	850	1905	1,240	1927	473
1884	603	1906	1,286	1928	593

It appears, therefore, that Chairman Stayton can find no warrant for the contention that the treated cases for drunkenness are greater in number than during the pre-Prohibition era, or so great.

In passing it might be remarked that the number of Keeley cure institutions is no index whatever of drunkenness unless Captain Stayton can tell us the percentage of admissions of alcoholic patients to these institutions. The Keeley cures admit patients for drug addictions, and from a full page advertisement published in a St. Louis daily newspaper it appears they take tobacco addicts.

CHAPTER VIII

IN EMPLOYMENT AND INDUSTRY?

WET VIEW

An estimate that Prohibition has saved and added much more than six billion dollars a year in real wealth to the country is presented in the book, "Prohibition at Its Worst." Half this amount is ascribed to increased efficiency of labor because of abstinence from alcohol. From the scanty laboratory experiments cited, the argument that more than three billion dollars yearly have been added through the release of human energy and skill to our national production by Prohibition—or would be added if Prohibition were fully enforced—seems to require some modification.

As basis for this estimate it is assumed that alcoholic beverages slow down the human machine, so that each daily glass of beer "reduces productivity by 2 to 4 per cent" at the very least. From this it is further assumed that productivity of labor would be "increased from 10 to 20 per cent by effective Prohibition." As impairment is greater the more unequally consumption of alcohol is distributed, the book regards a "10 per cent increase in productivity," because of national

Prohibition, as a "safe minimum in areas formerly wet."

Economic Gains Not Exactly Measurable

This basis for an estimate of three billions gained yearly is chosen without regard to the circumstances under which workmen consume or abstain from alcoholic beverages. It is derived from experiments in laboratories under artificial conditions, with small doses of alcohol administered to persons while at work. These experiments could not indicate the effect on efficiency of a glass of beer taken with a noonday meal or on Saturday night, or even twelve hours before a day's work. They could not show the varying effect of alcoholic beverages on different individuals of differing ages and occupations, in cold, temperate or tropical climates. Even these laboratory results showed widely different effects on the few individuals who subjected themselves to tests in typewriting, typesetting, memorizing, and flexing special muscles. The influences of home environment on the different subjects and of possible psychological factors that affect workers in actual industrial circumstances were quite ignored.

There is little, therefore, in this statistical estimate that resembles the exhaustive tests of efficiency made in studies of industrial fatigue, and of the varying degrees of output to be expected from definite changes in working hours, sanitary and other conditions that have been applied to the operations of hundreds of thousands of men and women. The exact economic calculations proved possible by such studies are impracticable in judging supposed gains from the hypothetical abstinence of workers whose previous drinking habits and their effects on efficiency are not known with any degree of certitude.

Reliable data of an experimental nature are lacking that would give exact knowledge of the gains in efficiency to be expected of abstinent workmen. They would begin with the average amounts of alcohol taken hour by hour throughout the week, and the proportions of three different kinds of drink, say beer, wines and spirits. The effects of each drink and of each kind of drink would have to be spread over time until its effects were reduced to zero, from a maximum effect in, say one and one-half hours to a minimum effect of zero in perhaps ten. Then it would be possible to estimate by how much per week, in certain circumstances, the average workman's beverage alcohol reduced his efficiency.

Proof is lacking for the minimum reduction of productivity claimed, by 2 per cent per glass of beer per day, even though this is based on an even instead of an uneven distribution of drinking among workers, and though it is applied only to the wealthiest part of the country.

Economic Waste of Bootleg Traffic

There remains of the six billion gain thus estimated, some three billion more. This additional sum, it is assumed, was saved ''merely by transferring our energies from alcohol production to something possessing true value.'' The only factor that would reduce this estimate is the ''wasted money and effort represented by bootleg traffic.'' This is admitted to be an unknown quantity, but according to the ''best'' official and unofficial estimates, is considered ''very small as compared with pre-Prohibition traffic.'' The estimate is made without counting any savings in cost of jails, almshouses, asylums, and so on; or any economic savings from possible reduction of the death rate.

But if jails, almshouses, asylums, and the rest have increased instead of diminished under National Prohibition, and if, as is actually the case, the death rate from acute and chronic alcoholism has gone up for large classes of the population and is still rising, these added costs would reduce the calculation of economic gains. The death rate from alcoholism per 100,000 population, although lower than in the pre-Prohibition era, has risen from 1.0 in 1920 to 3.3 in 1928, although for cirrhosis of the liver it fell from 7.1 in 1920 to 6.7 in 1927 and 1928. If these rates, which rose up to 1927, furnish a proper index of increased alcoholic indulgence, then the results of National Prohibition are on the debit side of the economic ledger.

The cost of bootleg traffic is admitted as further subtracting from the estimated gains of Prohibition. How large this cost is nobody knows. But the representation that it is small according to the ''best'' official and unofficial estimates would exclude the estimate made by Emory R. Buckner, United States Attorney for the New York District, in his memorandum concerning illegal diversion of alcohol (29, p. 1656). Mr. Buckner comes in collision with the figures of Chief Chemist Doran (who had stated that total diversion in 1925 was only between 13,000,000 and 15,000,000 gallons), as follows:

> Between 1910 and 1914 the production of specially denatured alcohol increased from 3,002,102 gallons to 5,191,846 gallons, at rate of increase of half a million gallons a year. There is nothing to indicate that this rate of increase has substantially grown. If the legitimate increase had been the same since 1914, legitimate industries would have used 10,500,000 gallons in 1925. The production of specially denatured alcohol was, however, 34,824,300 gallons (29).

Loss From Illegally Diverted Alcohol

Mr. Buckner's estimate of 24,324,300 gallons of denatured alcohol diverted during 1925 does not include the bootleg traffic in ''moonshine'' and smuggled spirituous liquors, wine or beer. It is higher than the Doran estimate by 9,000,000 gallons. Herman Feldman (9) shows that even taking the lower Doran estimate of 15,000,000 gallons diverted and deducting two or three million gallons seized or lost in redistillation and transport, if translated into whiskey of about 50 per cent alcohol, ''it would make perhaps 200,000,000 pint bottles of this beverage.'' At an average price of say $2.50 a pint, that would amount to $500,000,000 a year on the debit side, that is, representing losses from Prohibition. The Buckner estimate of diversion would increase this to at least $800,000,000. This would not include the economic losses due to indulgence in denatured spirit, with its known toxic effects on the human organism.

But the extra three-billion estimate is further impaired by a failure to prove that beverage alcohol production is wholly valueless in the economic sense.

This assumption is not borne out by expert authorities as regards the pleasure associated with the moderate use of alcohol by the many, and its medicinal value. That such pleasure is a factor in the real income of the community may not be gainsaid, unless it can be demonstrated that no proper rules of temperate consumption of alcoholic beverages can be framed to make it physiologically harmless in the case of the large majority of adults. The Medical Research Council of Great Britain declares (16), on the contrary, after a review of modern scientific knowledge concerning the effects of alcohol, that such harmless and temperate consumption is possible; it states that "this conclusion, it may be added, is fully borne out by the massive experience of mankind in wine-drinking and beer-drinking countries." If this is true for Europe it should be true for America. For indulgence in alcoholic beverages in this country has not during this century, at least, been so great per capita as in Europe.

Dry View

It is quite true, as some critics of "Prohibition at Its Worst" have pointed out, that its estimate of gains and savings in annual income on account of Prohibition applied too uncritically, and sometimes from secondary sources, laboratory figures of the paralyzing effects of alcohol. In particular the estimate did not take due account of the fact that during the day's work alcoholic effects diminish, and that they are less pronounced if taken with meals than if, as often in laboratory work, alcohol is taken on an empty stomach.

On the other hand, as was pointed out in "Prohibition at Its Worst," Prof. Walter R. Miles, of Leland Stanford University (10, p. 129), stated that "the alcohol effect usually found in the laboratory is probably not so large as exists outside the laboratory.'' The main point of Dr. Miles is that in actual life people do not fight against the alcohol effect, in fact they court and psychologically intensify it. On the other hand, in the laboratory they are challenged to combat the effect, and are able to do this with some success. Thus the amount of effect found from laboratory experiments probably understates the case. In the laboratory the one dose is injected into a system free from alcohol; but in actual life that same dose is taken on top of the left-over effects of previous doses.

Finally, in its pamphlet headed ''Cost of Prohibition and Your Income Tax,'' the Association Against the Prohibition Amendment declares that the ''bill for Prohibition exceeds the total revenue received by the Federal Treasury from individual income taxes, which in 1928 were $882,727,114.'' The pamphlet adds:

''The itemized bill which we have made up from government figures on current expenses and official reports of pre-Prohibition finances, comes to $936,000,000.''

Six Billion Estimate Still Seems Safe

Perhaps there was too great eagerness in putting the estimate, or guess if anyone chooses so to call it, into figures. Prof. Feldman is right in saying that much more needs to be done before any exact estimate can safely be ventured. But

$6,000,000,000 per annum as a minimum estimate still seems conservative, and most of the reasons given for this in "Prohibition at Its Worst" will stand. Even the critics referred to do not venture to argue for a lower rather than a higher figure. They simply maintain that no concrete figure ought to be given.

These criticisms relate mainly to that half of the $6,000,000,000 ascribed to impaired efficiency of workers. This is less than 5 per cent of the total productivity of the country.

Professor Feldman steers clear of estimates but stresses the testimony of employers:

> Taking into account also the concerns which the writer visited, a majority of the total number replied that prohibition had aided individual productivity, while less than half a dozen concerns claimed prohibition to have decreased productivity. This is somewhat surprising because many executives had much to say against the ruinous quality of available liquor. Whatever the ill effects of such liquor may be there was practically no testimony that it has tended to reduce productivity. . . .

The testimony shows that some increased efficiency is generally observable. If the increase were, in any observed case, less than 5 per cent, it seems quite preposterous to believe that it could be observed at all by the naked eye of ordinary observation. It is an exceptional person who can tell blindfolded a difference of 5 per cent in weight, *e. g.*, between four half-dollars and that amount plus one dime. Professor Feldman said (in 1927):

> Herbert Hoover, Secretary of Commerce, ascribes to prohibition an increase of efficiency in the individual worker of upwards of 10 per cent, stating in positive terms: ''There is no question that prohibition is making America more productive.''

There were many ''factors of safety'' in building the three billion estimate of gain in efficiency. For instance it was assumed that drinking was equally distributed among all workers. Actually, of course, alcoholic consumption was very unequally distributed among different workmen and at different times, and this means much greater impairment of efficiency than if equally distributed. That is, five glasses of beer consumed by one man produces more impairment than one glass apiece when consumed by five persons, and seven pints of whiskey taken at a weekend are more impairing than distributed a pint a day during the week. This was manifest in the prevalence before National Prohibition of Monday morning absences from work, and of Monday morning accidents. These were at a maximum, showing that drinking was more concentrated on Saturdays and Sundays—at just the time when, had there been an even distribution of drinking, the least effects would be expected, because of the time available for sleeping off the effects.

Recent Reports on "Moderate" Drinking

It should be emphasized that all recent scientific tests prove that beverages containing as low as 2.75 per cent alcohol distinctly retard movement in skilled operations, deaden control of eye and hand, and occasion greater expenditure of energy to produce a given result. These are conclusions of Benedict, Dodge, Miles, Mellanby, McDougall, Smith, Vernon, Sullivan, and many other authorities in research on this problem. Moreover, in the second preface to the revised report of the British Medical Research Council in 1924 (16) on the effects of alcohol, Lord D'Abernon notes that recent research has yielded the following results, among others:

> It has given a definite measure to the rate at which alcohol is burned in the body, and has shown that the rate is slower than has been generally accepted, thus explaining the cumulative effect of drinking at short intervals.
>
> It has furnished important evidence in support of the view that alcohol does not, at any stage of its action, produce a stimulant effect upon nervous functions.

This is true of the effects of heavy drinking. The facts adduced also tend to confute the sanguine statement about the harmlessness of "moderate'' drinking as ''borne out by the massive experience of mankind in wine-drinking and beer-drinking countries.''

Moreover the revised report of the Council, noting that experiments have shown important mental changes resulting even from small doses of alcohol such as ''uncritical self-satisfaction which may occur without signs of intoxication in the full ordinary or legal sense of the term,'' says:

> Those in contact with the persons so affected have for the time being to deal with an altered individual whose mind lacks temporarily its normal factor of judgment and conspicuous elements of self-control.
>
> Some of the consequences which tend commonly to follow these mental changes, the report says, are likely to be fraught with serious consequences for the direct discharge of responsibilities in all walks of life. Accuracy, avoidance of accidents, tactful handling of colleagues and subordinates, observance of discipline, punctuality, reticence in matters of confidence, are all obviously jeopardized; and an additional source of friction is brought to complicate the relations between the employer and the employed.

Furthermore, the statement about the harmlessness of ''moderate'' drinking is shown to be quite baseless from the contrary experience of the life insurance companies, which extends more than a generation and involves the lives of millions of policy holders. Certainly, the mortality rates of the "wine and beer" countries do not indicate that they escape injury to health; they show the contrary.

Increased Death Rate of Moderate Drinkers

The experience of the insurance companies shows that the mortality of insured non-abstainers, "moderate" drinkers, is greater by 32 per cent than that of insured abstainers.

Doubtless some of those who pass the scrutiny of the life insurance medical examiners as moderate drinkers become later heavy drinkers, but this risk of becoming later a heavy drinker is one of the risks of *being* a moderate drinker. There is always the risk that any habit forming drug, if taken at all, will form a habit. The insurance companies when accepting a moderate drinker assume this risk among others, and every one who drinks moderately runs some risk of drinking immoderately later.

It follows that self-administration of a paralyzing drug—so that it increases the mortality of "moderate" users by nearly one-third as compared with the mortality of those declaring themselves to be abstainers—can by no stretch of imagination be regarded as an element of welfare to the community.

But is not welfare simply enjoyment, and is there not enjoyment in drink?

There is enjoyment in drink, but it is what a Scotch physician called ''an unearned felicity.'' In such enjoyment the drug addict, whether the drug be opium, chloral, heroin, or ethyl alcohol, has to pay for his pleasure with interest, including an alcoholic mortality of 32 per cent for the ''moderate'' drinker over that of the abstainer.

Irving Fisher's estimate of three billions gained in efficiency of workers is supplemented, on the other side of gains due to the supplanting of the liquor traffic, by Dr. Paul H. Nystrom, Professor of Marketing of the School of Business of Columbia University. Dr. Nystrom estimates five billions gained on this account annually, against the Fisher estimate of three billions gained. Addressing the National Retail Dry Goods Association in New York City, February 8, 1929, Dr. Nystrom said:

> Prohibition, with all its arguments pro and con, undoubtedly is diverting not less than $5,000,000,000 a year, which would normally be expended on alcoholic drinks were it not for Prohibition, to other classes of commodities and to saving. Place whatever estimate you like on the amount of bootleg liquor sold in this country and I am sure you will admit, as I have been forced to admit, that a return to the liquor consumption of the pre-Volstead days would mean several billions of dollars less business in home furnishings, automobiles, musical instruments, radio, travel,

> amusements, jewelry, insurance, education, books and magazines (39).

An important detail of the economic gains resulting from Prohibition is supplied in the testimony of Joseph E. Gilbert, builder of many of New York's tall structures. In a report of his address to the members of a building firm made by The New York Times, January 20, 1929, Mr. Gilbert is quoted:

> With the coming of Prohibition it was believed in many quarters that the throwing of so many saloon corners on the market would cause a sharp decline in values, which would also have a bad effect on other properties. Such, however, has not been the case. We found that the saloons were not the only class of business desirous of obtaining corner locations and paying well for them. Today the value of practically every corner formerly used for dispensing liquor has increased from two to four times.

For the reasons set forth above, we may regard as annually saved to the nation and transferred to other industries a minimum of $3,000,000,000 that would have been devoted to the production of beverage alcohol but for national Prohibition.

At any rate, the transfer has been made, and is a legitimate part of the estimated gain of six billions. The fruits of the transfer are being reaped by the motor car manufacturer and dealer, the milk producer, the department store, the chain store and the corner grocery. It is mainly to their interest, as well as to the interest of consumers and society generally, that the billions' worth of trade which they have gained be not transferred back to the brewers and liquor dealers.

In its pamphlet ''Cost of Prohibition and Your Income Tax'' mentioned in the Wet section of this chapter, the Association Against the Prohibition Amendment is appealing to the pocketbook of income taxpayers. Its argument is for the restoration of a traffic that is universally acknowledged to be parasitic on all productive industry.

Of course, the argument is the other way around. All income is dependent upon the productivity of labor and capital. Anything which impairs that productivity will impair the national income. If the ''loss'' in Federal revenues which the Association Against the Prohibition Amendment places at $936,000,000 a year, due to the cutting off of the former taxes on the outlawed liquor traffic, is to be considered at all it should be in connection with the economic gains from National Prohibition, estimated for the first ten years at not less than $60,000,000,000.

But this ''loss'' is, as a matter of fact, not a loss in any true sense. It is a primary economic fact that removal of a tax, while it is a surrender of revenue to the government in a particular direction, is not at all a surrender of income of society. To the extent that it is a "loss" to the public treasury it is a gain, to that same extent, to the individual who formerly paid the tax. A tax comes out of the individual pocket and goes into the common pocket of the nation; so it does not get anywhere to talk about the "loss" sustained by the government which surrenders a tax or shifts the form in which it is applied. This argument is on all fours with the ridiculous assumption of "loss" recoverable by repealing the prohibition of sales of narcotic drugs and placing that traffic under a license tax. The fact that it is a mischievous and parasitic business is, of course, ignored. For every million dollars recovered in taxes by restoring the saloon the nation would pay many millions directly to the saloons, and many millions more in impaired efficiency of its workers and in productive business replaced by a destructive traffic.

In reply to this pamphlet, Dr. J. M. Doran, Commissioner of Prohibition, on June 15, 1929, said:

> During the nine years since the effective date of Prohibition the expenditures for the Prohibition Bureau, Coast Guard and customs incident to the enforcement of the Eighteenth Amendment total $141,179,485. The collections from fines and penalties and the revenue from taxes on distilled spirits and fermented liquors total $460,502,792.76
>
> It is apparent that the collections by far

> overbalance the expenditures. Even if $72,000,000 estimated in the pamphlet as the cost to the Department of Justice for the enforcement of Prohibition should be added, there would still be a balance of $247,324,307.76 over and above the total expenditures accredited to the enforcement of the Prohibition laws.

Doctor Doran further disputed the accuracy of the $936,000,000 estimate. But from whatever point of view, the argument to the pocketbook of the income taxpayer is not justified.

Alcohol Diversion Cut Off

As for Emory R. Buckner's estimate of 24,325,000 gallons of denatured alcohol illegally diverted in 1925, it is likewise disputed by Dr. Doran, a better authority. Moreover, diversion of industrial alcohol is being constantly decreased. Commissioner Doran's report of March 29, 1928, declares a survey has been made and conclusions drawn as to the amount of industrial alcohol needed for manufacturing purposes during each year, and every maker is limited accordingly in the amount of alcohol he may produce. With no more overproduction, there can be little consequent diversion.

Even if the expenditure for illegal beverages be as great as the wet estimate in this chapter, it is largely the expenditure of the rich. At $2.50 a pint for whiskey the poor, who mainly paid the former revenue of the saloon, can no longer afford it. Economists agree that except in cases where the distribution of income is the same, a comparison of expenditures dollar for dollar in two different periods is illusory, because ten dollars means to a rich man less than one dollar to a poor man. It would be fairer to compare the present consumption with pre-Prohibition consumption not on a dollar basis, but on a quantity basis, and if alcoholic consumption is reduced to 10 per cent of what it was, or even to 16 per cent, the net saving in distributed wealth is tremendous.

In the American Economic Review for March, 1927, appears an article by Irving Fisher, entitled "The Economics of Prohibition," which records the Round Table on Prohibition held at St. Louis at the meeting of the American Economic Association, December, 1926. This article reports:

> The chairman, Professor Irving Fisher, said that, having somewhat pronounced views on prohibition, he had felt it especially incumbent upon him to see that discordant views should be presented. He added: "I got a list of the economists who are supposed to be opposed to prohibition and wrote to them; they all replied either that I was mistaken in thinking that they were opposed to prohibition or that, if we were going to confine the discussion to the economics of prohibition, they would not care to respond. When

> I found that I was to have no speaker representing the opposite point of view, I wrote to all American economists listed in 'Minerva' and all American teachers of statistics. I have not received from anyone an acceptance'' (40).

This was the best attended table at the St. Louis meeting. No paper was presented opposing prohibition on economic grounds.

That Prohibition has been of untold economic value is further corroborated by a recent investigation made by Samuel Crowther for *The Ladies' Home Journal* (Jan., Feb., 1930), and which was reprinted in book form under the title *Prohibition and Prosperity* (68).

The concluding paragraphs read as follows:

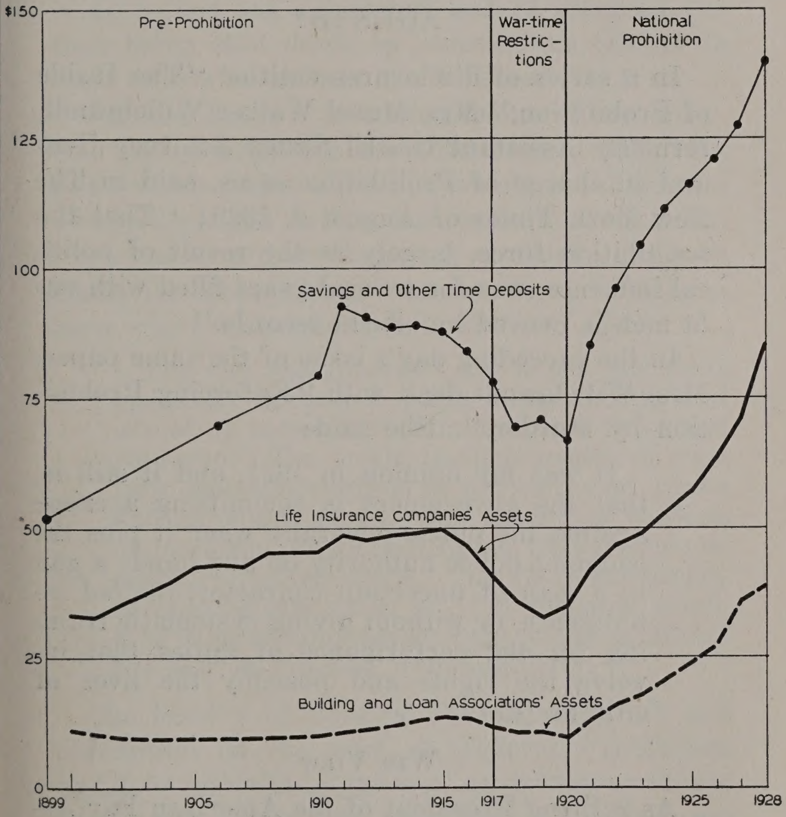
> By the re-routing of at least two-thirds of the money which formerly went for drink into the buying of useful goods, a higher level of general living has been established in this country. This higher level has brought higher wages and still higher levels of living.
>
> We have as a nation been infinitely more prosperous since Prohibition than ever before. We are definitely going forward.
>
> *It would seem that Prohibition is fundamental to our prosperity—that it is the greatest blow which has ever struck poverty.**

---

* Italics ours.

GRAPH 5

GROWTH OF PER CAPITA SAVINGS IN THE UNITED STATES IN 1913 DOLLARS



---

[1] From data received from Carl Snyder, Second Federal Reserve Bank, New York, N. Y.

CHAPTER IX

IN CORRUPTION OF PROHIBITION AGENTS?

In a series of disclosures entitled "The Inside of Prohibition," Mrs. Mabel Walker Willebrandt, formerly Assistant United States Attorney General in charge of Prohibition cases, said in The New York Times of August 9, 1929: "That the prohibition force, largely as the result of political influence, was for several years filled with unfit men is proved by official records."

In the preceding day's issue of the same paper, Mrs. Willebrandt dealt with "Enforcing Prohibition by Murder." She said:

> It was my opinion in 1921, and it still is, that the government is committing a crime against the public generally when it pins the badge of police authority on and hands a gun to a man of uncertain character, limited intelligence, or without giving systematic training for the performance of duties that involve the rights and possibly the lives of citizens (41).

Wet View

As retiring President of the American Bar Association in August, 1928, Silas Hardy Strawn of Chicago named as a cause of increased crime since the war, "Organized crime which enables the underworld to make liberal contributions to political campaigns and to exert a powerful influence in politics." "Frequently," Mr. Strawn said, "we read of policemen and law-enforcing officials being bribed and debauched and of innocent victims being shot down by overzealous officers in their efforts to enforce the Volstead Act."

The late James C. Carter, a leader of the American bar, pointed out the difficulties of enforcing a law which declares conduct widely practiced and widely regarded as innocent to be a crime. Mr. Carter asserts that when such a mistake has been made, its consequences "cannot be avoided by a more vigorous persistence in it," and adds:

> The spy and informer are hired, but their testimony is open to much impeachment, and is met by opposing testimony often false and perjured. The trials become scenes of perjury and subornation of perjury, and juries find abundant excuses for rendering verdicts of acquittal or persisting in disagreements, contrary to their oaths. The whole machinery of enforcement fails, or, if it succeeds at all, it is in particular places only, while in others the law is violated with impunity.

The history of political favoritism, graft and corruption on the part of Federal Prohibition agents is adduced by the wets as evidence in these premises. Thus Representative S. Harrison White of Colorado, in a speech in Congress (42), cited the testimony of Albert Levitt, a professed prohibitionist and formerly special assistant to the Attorney General of the United States that:

> The situation in the several States was, and is, infinitely worse than the Federal situation. Local enforcement is, with very rare exceptions, very insincere. This is due to the fact that practically all the local enforcement officers are themselves wet. This is as true of the so-called dry States as of the wet ones (43).

Record of Shootings and Corruption

Congressman White recalls that in July, 1926, General Lincoln C. Andrews, then in charge of Prohibition enforcement, reported that 875 members of his force, being approximately 25 per cent of them, had been discharged for malfeasance in office, consisting of extortion, bribery, collusion, conspiracy, intoxication, perjury, illegal disposition of liquor, specific violations of the prohibition laws, and other reprehensible conduct. Noting that the press records from day to day acts of official misconduct upon the part of both State and Federal officials in their attempt to enforce this law, Mr. White complains, also, of the inequality of enforcement:

> Those of influence go free, while those of no influence are persecuted.

The occasion for this speech was Representative White's proposed resolution to investigate the cases of several hundred persons who have been "killed in alleged efforts to enforce the law," and of "thousands of other persons who have been fired on and many wounded." The resolution seeks, among other things:

> To ascertain and report upon the general attitude and policy of Federal and State Prohibition officers and others called to their assistance in the alleged enforcement of the prohibition law, and especially whether in doing so they themselves observe or violate the law or evade the constitutional and legal rights of the people to be secure in their person and property, and against unreasonable search and seizure.

Senator Edward I. Edwards of New Jersey, in an article headed "Shot in the Back," appearing in Plain Talk for December, 1927, summed up the cases of 152 killings by Federal agents and eighty-four other cases where deaths had occurred at the hands of local officers, and asked why there is such zeal in prosecuting violators of the Eighteenth Amendment in comparison, say, with prosecutions of Chicago's gangsters. The answer, Senator Edwards finds, is graft:

> The more cases detected, the more "grease" for the officers of the "law." A murderer may not and likely does not have money. A bootlegger has. It is noticeable that two kinds of people have been killed by

> Prohibition agents: the poor and the innocent. The Chicago gunmen who not only broke the Eighteenth Amendment but who have killed right and left, have scarcely been molested. They were guilty *and* rich.

The wets support their arguments by reference to such cases as that of a respectable citizen of Niagara Falls, who, driving an automobile after dark, was suddenly called upon by unknown voices to halt. Suspecting a "hold-up," he set his foot on the accelerator, and his car was speedily riddled with bullets, one of which destroyed the sight of both his eyes. Two Coast Guardsmen had mistaken him for a rum-runner, and recklessly fired on an innocent citizen. The shot proved ultimately fatal.

Telephonic Eavesdropping

Another major complaint against the method of Prohibition agents relates to wire-tapping. The majority of the Federal Supreme Court on April 9, 1928, held that evidence got by Federal Prohibition agents through tapping the telephone wires of the defendants in spite of a State statute making such action a misdemeanor was admissible, that their conviction did not violate the Fourth and Fifth Amendments. But Justice Brandeis and three other members of the court dissented. Justice Brandeis made this comment:

> Subtler and more far-reaching means of

> invading privacy have become available to the Government. Discovery and invention have made it possible for the Government, by means more effective than stretching upon the rack, to obtain disclosure in court of what is whispered in the closet.

"The greatest dangers to liberty," Justice Brandeis added, "lurk in insidious encroachment by men of zeal, well-meaning, but without understanding." Justice Holmes in his dissenting opinion remarked, "We have to choose, and for my part I think it a less evil that some criminals should escape than that the Government should play an ignoble part." This echoes the words of Justice Brandeis that "If the Government becomes a law-breaker, it breeds contempt for law: it invites every man to become a law unto himself; it invites anarchy."

A third count in the indictment of Government enforcement of the Volstead Act was sustained by the Federal Supreme Court on March 7, 1927, in the case of Ed Tumey against the State of Ohio. Ohio's statutes provided for trial by village mayors of those violating the Ohio Prohibition Act. The Supreme Court ruled them unconstitutional because they deprived the defendant of his elementary right of trial before a disinterested Judge. The defendant was entitled to a fair trial. How could he have it before a Judge disqualified both by his "direct pecuniary interest in the out-come and because of his official motive to convict and to graduate the fine to help the financial needs of the village''? This violated the Fourteenth Amendment, because Ohio divided, on a fifty-fifty basis, between the State and local subdivision the proceeds of fines and forfeitures in liquor prosecutions, and the Judge of the liquor court got the amount of the costs in each case as his pay for the extra work.

Yet the Anti-Saloon League of Ohio, the wets declare, fought for a continuance of this practice until it was ended by the decision of the highest court in the land.

Dry View

If statistics are quoted of killings by Federal Prohibition agents, fairness requires a statement of the number of Federal agents killed by violators of the Volstead Act. An official statement issued by the Treasury Department, April 5, 1929, showed that twenty-five persons had been killed in the preceding fifteen months. Sixteen of the victims met their deaths in encounters with Federal Prohibition agents and Coast Guardsmen, while nine of those killed were in the Government's enforcement service. Seven of these were Prohibition agents, and two were mounted customs officers. The statement also declared that since the Eighteenth Amendment became effective in 1920, nine years before, 190 persons had been killed in enforcement of the Prohibition laws. Of these, 135 were citizens killed by Prohibition agents, and 55 were Prohibition agents who met death in the line of duty. Coincidently a statement was issued from the White House that for several months stringent orders had been in force, during which, so far as known, the Federal statutes prohibiting invasion and search of dwellings and vehicles, unless the searching officials were armed with warrants, issued on sworn statements of knowledge or belief that the Prohibition laws had been violated, had been strictly observed. For more than a year, as stated by Seymour Lowman, Assistant Secretary of the Treasury in charge of Prohibition, the promiscuous use of firearms had been interdicted and there had been a material decrease in number of violent deaths incident to Prohibition enforcement.

President Hoover in a statement issued June 18, 1929, in comment on recent killings along the Canadian border by Prohibition agents, said:

> I deeply deplore the killing of any person. The Treasury Department is making every effort to prevent the misuse of arms. Any case of misuse will be determined by the orderly proceedings of the Department and the courts. I hope that the communities along the border will do their best to help the Treasury end the systematic war that is being carried on by international criminals against the laws of the United States. It is these activi-

> ties that are at the root of all of our difficulties.

That there are two sides to the story about ''enforcing prohibition by murder'' is freely granted by Mrs. Willebrandt in her article appearing in The New York Times, August 8, 1929. For she says:

> Every day, in some part of the United States, men are arrested by State and Federal officers for burglary, robbery, arson, mail robbery and other crimes for which the penalties are much more severe than those imposed for bootlegging. Yet there is no such resistance to the officers as in the bootlegging cases, simply because the men arrested know they will get no public or newspaper support if they attack or kill the officer of the law. But let resistance be made to a Prohibition agent in the lawful performance of his duty and there is an immediate rallying to the defense of the bootlegger by those who are opposed to Prohibition enforcement. Are we losing our sense of proportion when the arrest involves liquor?

While recognizing the pernicious effects of years of political appointments to the Prohibition force, Mrs. Willebrandt adds:

> But I know, from actual contact with members of the Prohibition force, that there has been a real improvement, much of it due to the fact that qualification under civil service

> rules and regulations has been required since 1927.

To show what can be done when there is real co-operation between governmental forces and determination to enforce the law, Mrs. Willebrandt cites the routing of ''Rum Row'' in The New York Times of August 18, 1929. The work of a special patrol of Florida waters that began in January, 1928, is thus detailed:

> A total of 110 liquor-running vessels were seized during the special patrol's four months' operation in these waters. Arrests aboard these vessels, or made in connection with the seizure of them, totaled between 300 and 400. Practically all the seized vessels and their cargoes were condemned. Conspiracy indictments were returned against nearly all those arrested. On pleas of guilty to two of these indictments, one defendant was sentenced to fourteen months in Atlanta Penitentiary and another awarded a sentence of only six months in jail in consideration of his having furnished the government with valuable information and having already spent four months in jail awaiting trial because of the failure of the man for whom he was running the liquor to furnish the $3,500 bond required for his release.

The Tumey Case

In the case of Ed. Tumey vs. the State of Ohio, the Ohio fee system, only a part of which was at issue in the case, was an old one in that State. It was applied to liquor as to misdemeanors in violation of the dairy food, fish, game and other laws. The decision did not affect liquor cases only, although it happened to be a liquor case which tested the particular feature of the fee system in the United States Supreme Court. That this was so, appears from this section of the decision:

> The fees which the Mayor and Marshal receive in this case came to them by virtue of the general statutes of the State applying to all cases, liquor and otherwise.

As to the relation of the Anti-Saloon League to the case, the Ohio League stated:

> The fee system, as practiced in these inferior courts, is older than the Anti-Saloon League. It was simply applied to liquor cases as it was applied to dairy food, fish, game, etc. The Anti-Saloon League is pleased with the decision (44).

But, the League's statement continues, "the newspapers unfriendly to Prohibition, as well as leaders of the wets, declared that the ruling was a tremendous blow to the League."

As this was a State and not a Federal matter, and as it had its roots in State procedure long antedating Prohibition, and might have gone up to the Supreme Court in the case of some other commodity even had there been no Eighteenth Amendment or supporting law, it seems unfair and illogical to use this as an "indictment of Government enforcement of the Volstead act."

Corruption of Agents

When Secretary of the Treasury Bristow took office in the early seventies there was almost unparalleled corruption in the enforcement of the Federal liquor tax laws. After he had caught several of the liquor law violators the Ring collapsed. The Internal Revenue Service was then built up; for years, until politics re-entered the service after the Eighteenth Amendment was adopted, its morale was very high and its record of efficient service unsurpassed. It has since become so subject to politics that the late Senator Willis testified in the Senate Chamber at Washington that he knew of men who would block appointments to this service in their districts if the Prohibition agents were known to favor the Eighteenth Amendment and its enforcement. But this does not prove that the politicians wholly succeeded in breaking the morale of the service.

Dry Unit Now Divorced from Politics

General Lincoln C. Andrews, Assistant Secretary of the Treasury in charge of Prohibition enforcement during 1926, testified at the Senate hearings during that year that political favoritism and corruption had prevailed among Prohibition agents. But he reported that his organization had been steadily unified and had won better co-operation from State officials. Dry enforcement during 1927 entered a definite phase, reversing the old political methods and putting selection of personnel under non-political rules of fitness, under a head bearing full responsibility, and with the policies of enforcement subject to approval by the President. That this was achieved not without a struggle is attested by the following letter from H. W. Marsh, Secretary of the National Civil Service Reform League, in response to an inquiry by Dr. W. W. Keen of Philadelphia, and dated March 24, 1928:

> I went personally to see Congressman Volstead in 1919, when he, as Chairman of the Judiciary Committee of the House of Representatives, was engaged in the preparation of a prohibition bill. He told me quite flatly that he did not approve of the civil service system personally, and that he was unwilling to subscribe to a civil service provision in the bill. As you may know, Mr. Wayne B. Wheeler, the counsel for the Anti-Saloon League, was working with Mr. Volstead in very close co-operation in the preparation of the bill. I went to Mr. Wheeler and asked him to use his influence to have the bill contain a civil service provision. Mr. Wheeler, however, demurred, raising some question as to the practicability of examination for such

type of position as enforcement agent. I kept after him, however, and with the aid of officials of the Civil Service Commission practically convinced him of the practicability of competitive examination. He finally stated, however, that he believed it would be impossible to obtain the passage of a bill in the House unless the places were exempted from the civil service law. The only draft of a bill that I ever saw, therefore, contained the exemption clause. We tried repeatedly to have it struck from the bill, but did not succeed.

As to the second question raised in your letter, we have carried on an intensive campaign throughout the country ever since the enactment of the law with the exemption clause, pointing out the gross incompetency and inefficiency of the appointees under the exemption, and I am glad to say that we have already accomplished an amendment to the law which places the positions within the jurisdiction of the Civil Service Commission. Congress at its last session put the bill through in the closing days of the session, and it was signed by President Coolidge on March 4. The Civil Service Commission is now busily engaged in rating examinations for all the 2,500 positions in the field force of the Prohibition Bureau.

Wheeler Favored Civil Service

This letter is quoted at length, although it gives, apparently, more credit to the Civil Service Reform Bureau than is due for the final inclusion of Prohibition agents under civil service rules. It leaves the impression that Wayne B. Wheeler and the Anti-Saloon League were opposed to the change. But in an article written by Mr. Wheeler in Current History Magazine for February, 1924, he said:

> . . . Another bill was presented by Senator Sterling, a strong champion of civil service, Chairman of the Senate Committee on Civil Service Reform, to remove, so far as possible, the appointment of Prohibition agents from politics. This proposed law did not go as far as some of the civil service advocates desired. It did, however, move in the right direction. Had it been passed, it would have taken out of the patronage class the appointment of most of the Prohibition staff. It would also have established a precedent for the later inclusion of other officials of the unit in the classified service.
>
> The Anti-Saloon League endorsed this measure, not as a perfect one, but as the best that could be obtained at that time. Its adoption would have remedied, at least in part, some of the evils surrounding appointments to this service. I have always favored civil service for Prohibition agents, but also have been willing to take the best measures possible when perfection was not obtainable (45).

Old Prohibition Force Not All Bad

It is true that three-quarters of the old force, made up of political appointees, failed to pass the civil service examinations and were disqualified. While it is true that local enforcement throughout the country is still far from what it might and should be, laxness by the local authorities furnishes no excuse for poor Federal enforcement. William Burnett Wright, Jr., special counsel to Governor Gifford Pinchot of Pennsylvania during that executive's energetic enforcement of the Eighteenth Amendment for four years, 1923-1927, writes to Irving Fisher:

> The Federal Government practically never did anything, at least up to 1927, to show that it was entitled to any co-operation by local officials, but did almost everything to prove to them that co-operation on their part would be catching the violators whom they either authorized or enabled to break the law.
>
> This may seem a strong statement, but there is ample proof to substantiate it. For example, read the Grand Jury Philadelphia report. Also, Mr. Haines stated that the permit system was the first offense, but so long as he was in office after that, he continued to permit the granting by his subordinates of permits to known violators of the law, and to persons absolutely disqualified from holding them. . . .
>
> In Pennsylvania, under Governor Pinchot, we had practically no assistance from Federal authorities in connection with our enforcement, and General Butler during his regime in Philadelphia had none. We gave the Federal authorities, as he did, every pos-

sible help when called upon, and under the State law went ahead and cleaned up notorious conditions upon which the Federal authorities had never made practically the slightest impression.

There is no doubt whatever in my mind that the moment the local authorities for enforcement of law throughout the country are made to realize by the attitude and action of the Federal government, that sincere, real law enforcement, freed from politics and favoritism, is to be carried on, every co-operation asked by the Federal Government of the local can be relied upon.

CHAPTER X

IN APPROPRIATIONS FOR ENFORCEMENT?

A long debate over appropriations for enforcement of Prohibition was ended March 2, 1929, when the United States Senate adopted conference reports on the first and second deficiency supply bills carrying an increase of $3,227,014 for all Prohibition activities. This was in addition to $28,000,000 previously voted by Congress to enforce Prohibition; $13,000,000 for the Prohibition Bureau in the fiscal year beginning July 1, 1929, and in excess of $15,000,000 for the Coast Guard, to be used for enforcement of the Prohibition and narcotic laws. The additional appropriation became available as soon as approved by President Coolidge, except for $250,000 allotted for the projected Hoover law enforcement investigation, and $200,000 additional for narcotic law enforcement, which were allocated in accordance with Budget Bureau recommendations. But immediate expansion of the Prohibition Bureau field forces was provided by the inclusion of $1,710,654 in one of the bills, while the other bill included $707,860 to provide sixteen new Assistant United States Attorneys in as many districts; $200,000 to increase the personnel of the Civil Service Commission so that certification of dry agents might be expedited; and $150,400 to be used in nearly doubling the strength of the Customs Bureau's rum-smuggling patrol along the Canadian border.

The additional appropriations were arrived at as a substitute for the so-called Harris amendment, which had been opposed by Secretary of the Treasury Mellon, head of all the dry enforcement bodies. It was said that with the smaller appropriation the Government would be in a position to enlarge its dry forces in such big centers as New York, Chicago, and Philadelphia, and augment patrols at such strategic points as Detroit.

The debate over appropriations was precipitated by Senator Bruce of Maryland, a staunch wet, when he introduced a bill, passed by the United States Senate on December 13, 1928, carrying an appropriation of $270,627,384 for enforcement of National Prohibition, in addition to $29,372,616 for the Coast Guard, which also aids dry enforcement. Senator Bruce had offered the amendment in a spirit of mockery, taking the word of Dr. J. M. Doran, Commissioner of Prohibition, that $300,000,000 would be necessary for complete Federal enforcement.

But out of this discussion of how much would be needed for a complete Federal enforcement without the aid of States and local subdivisions grew the proposal by Senator Harris, of Georgia, and supported by prominent Anti-Saloon and church leaders, of a special Prohibition fund of $25,000,000 for inclusion in the first deficiency bill, to be expended as the Secretary of the Treasury might determine. The proposed amendment restricted the added sum to the uses of the Prohibition Bureau, without taking account of concurrent activities of the Coast Guard, Customs Service, Border Patrol, and the Department of Justice in bringing Prohibition cases to trial. Secretary Mellon protested that there were 21,000 liquor cases pending in the courts and causing congestion, with no relief in sight, and that the activities of collateral agencies had not been considered. Furthermore, he questioned whether, if he were given absolute discretion to use such a vast sum, it would furnish a good precedent. Such a program, Mr. Mellon thought, would break down the safeguards of the Budget system and Congressional control of public funds. When the Senate later adopted the amendment, modified to $24,000,000, allocated as the President might see fit, to the departments or bureaus charged with Prohibition enforcement, Secretary Mellon again objected to the wording of the amendment "for increasing the enforcement force" as being not comprehensive enough. After further Congressional discussion the amendment was finally transformed into the appropriation of $3,227,914 for extra activities, as described above.

Wet View

As justifying the Bruce amendment to the deficiency bill proposing $270,372,616 extra for Prohibition enforcement, Congressman LaGuardia, wet, said in the House on December 18, 1929:

> We must go through this waste of public funds in order to convince the gentleman from Tennessee [Representative Byrns] and the other sincere drys in this House that you cannot do it. There is no use talking about the Constitution and law enforcement if you have not the courage to put the necessary money back of it and try it out.

It was the belief of the wet Senators and Representatives who voted for this appropriation that it would show the futility of enforcing Prohibition by the Federal Government, in opposition to the sentiment of communities and sections of the United States not favorable to the Eighteenth Amendment and the Volstead Act.

Seymour Lowman, Assistant Secretary of the Treasury in charge of prohibition enforcement, reported July 28, 1927, that with New York State refusing to cooperate, Federal enforcement of the liquor laws in the metropolitan areas, the Hudson River counties, Long Island and Connecticut was impossible. Mr. Lowman said that 300 Federal agents, or one-tenth of the whole Federal force, had been assigned to this New York district and were unequal to the task. Chester P. Mills, formerly Federal Administrator at New York, declared in Collier's Weekly of September 17, 1927, that the party spoils system was responsible for demoralizing enforcement; that "three-quarters of the 2,500 dry agents are ward heelers and sycophants named by the politicians."

What Price Enforcement in New York?

Handicaps to enforcement of the Federal prohibition law are such that Emory R. Buckner, United States Attorney in New York during 1926, filed a memorandum with the Judiciary Subcommittee of the United States Senate investigating the administration of the law (29) saying that if jury trials should be abolished in Federal liquor cases, adequate Federal enforcement in New York State would cost more than $20,000,000 annually. But if the expense of jury trials were not done away with, he estimated that more than $70,000,000 a year would be required for judicial and enforcement machinery in that State.

The annual prison expense alone under Mr. Buckner's estimate for New York, assuming that no new prisons were built, would be $1,500,000. Some 1,500 prohibition agents would be needed in this area at an expense of $5,250,000 for salaries and $2,700,000 for per-diem outlays, besides an army of assistant United States attorneys, additional Federal judges, and clerical forces.

General Lincoln C. Andrews, predecessor to

Assistant Secretary Lowman, in a pamphlet issued for the guidance of prohibition administrators and the entire personnel of the Prohibition Unit, says:

> When I took office last year I found the Prohibition Unit organized and functioning. . . . Highly centralized in control and responsibility, its field forces organized without due regard to their essential correlation with the field forces of the Department of Justice, prohibition agents throughout were being called upon everywhere to exercise the Federal police power in local police affairs. And these agents were accepting the responsibility and arresting these petty law violators. In many jurisdictions this resulted in overwhelming the offices of the district attorneys and clogging the Federal judicial machinery with thousands of petty police cases, not infrequently to the disgust of the Federal bench and the discouragement of the district attorney. More important even than this moral effect was the consequent demoralization of all the business of the court. Already crowded with business resulting from the ever increasing number of Federal laws to be enforced, that promptness and certainty of trial and punishment so essential to successful law enforcement became an impossibility, and this was being reflected in a growing disrespect for law on the part of all law violators. . . .
>
> Faced with this problem of law enforcement, and with these conditions, we had to

> answer these questions: "What have we got to do?", "What have we got to do it with?", "How shall we do it?" In determining upon our policy, organization, and procedure, two fundamental considerations were governing. First, a realization of the fact that any law to be effective must be in reality an expression of a standard of living generally accepted by the members of the community affected, which means that this standard is already observed by the great majority of the community, and written into a law only that it may be enforced upon the recalcitrant few by the police and court officers of the community. . . . The second consideration was that the responsibility for the enforcement of the prohibition laws must be shared by Federal and local authorities (29).

Prohibition Agent's Experience

A personal experience of the difficulties portrayed above is given by Homer Turner in his "Notes of a Prohibition Agent":

> First of all, he points to the insufficiency of appropriations. The administrators of the various districts are allotted so much money, and with it they are expected to enforce the law. Invariably the fund is not large enough to permit the hiring of enough men or the provision of decent salaries for those who are hired. The result is an eternal skimping and a steady overworking of the men. It is not unusual for an agent to put in from sixteen to twenty hours a day and be

> expected to be on the job with the rest of the world the following morning. Excessive fatigue is the result, and bad work. Even so, at the end of the fiscal year the administrator commonly finds that he is faced with the dilemma of either suspending a number of his men until the new appropriation is available or keeping them idle at headquarters. At such times, naturally, the army of bootleggers runs wild and nobody is there to stop them. This shortage in money is a menace to enforcement throughout the year.
>
> Sometimes the men are so badly overworked that they have to make from five to fifteen raids a day. They have separate reports to write on these cases, and sometimes several reports to make on one case. They get mixed up in the evidence, and sometimes the cases do not come to trial for more than a year. Then they cannot recall all the details of each case (46).

Of course, from the point of view of those charged with enforcing the prohibition law, the appropriations made by Congress are inadequate. Mr. Buckner's estimate of the sum needed for New York State alone indicates that proper enforcement throughout the Union would require, in circumstances obtaining in 1926, several hundred million dollars yearly.

But the difficulty lies deeper. General Andrews put his finger on it when he said that "any law to be effective must be in reality an expression of a standard of living generally accepted by the members of the community affected.'' Can this be the case when, as General Andrews testifies in the document quoted, the ''citizens of the country generally'' have ''relieved their own civic officers from their responsibilities, and looked to the national law in Federal hands for the enforcement of prohibition''?

How can appropriations ever be adequate if public sentiment throughout the country withdraws its support from local enforcement of the law?

DRY VIEW

The testimony about the inadequacy of means for Federal enforcement quoted from General Andrews' pamphlet is not now being repeated by his successors at Washington. In fact, in that document General Andrews declared that things had already changed for the better since a new policy had come into force whereby the Federal authorities undertake to suppress the commercialized traffic in liquor, leaving the communities to deal with local violations. ''It has taken time,'' he said, ''to effect the necessary organization, . . . but real progress is now being made.''

On the other hand, the need of local co-operation in Prohibition enforcement, rather than of funds, whereby the Federal forces might assume the complete responsibility of making the law effective in all communities and of bringing all of the big and little violators to book, is emphasized by Dr. James M. Doran, Commissioner of Prohibition. In an address, February 20, 1929, at New Haven, before the Department of Economics, Sociology and Government, of Yale University, Dr. Doran declares that ''the Federal Government, by and large, has substantially fulfilled its obligation under the concurrent clause of the Eighteenth Amendment, in the administration of the national Prohibition act and supplemental statutes.'' But he added:

> In some communities we not only fail to receive co-operation from the local officials, but in many instances have secured their hearty opposition. One of the Prohibition administrators, whose headquarters is in a large Eastern city, told me that he was of the opinion that during the past year more speakeasies were raided by the local police for failure to pay graft than from the fact that they were obviously violating the State law as well as the Federal law.
>
> Now, what is the binding force of the Eighteenth Amendment to the Constitution on all of us? Let me quote some very plain words on this point:
>
> ''That part of the Prohibition amendment to the Federal Constitution which embodies the prohibition (of intoxicating liquors for beverage purposes) is operative throughout

> the United States, binds all legislative bodies, courts, public officers and individuals within these limits."
>
> This is not the statement of an over-enthusiastic public official or zealot. It happens to be the expression of the Supreme Court of the United States in the now famous Rhode Island and New Jersey cases in the opinion handed down June 7, 1920. To translate this final word as to the binding and effective force of the Eighteenth Amendment on all of us and at the same time make it understandable and workable, I would, for practical purposes, condense it into two words: Namely, co-operation and co-ordination. It has obviously not become a complete reality as yet.

Doctor Doran continued:

> Intelligent co-operation, and not further concentration of power in a Federal police force, is the pathway that will lead us to a more satisfactory enforcement of the Eighteenth Amendment (23).

That is why appropriations of hundreds of millions are not needed for Federal enforcement, which should concern mainly cutting off the large sources of supply and running down the big conspiracies.

Enforcement Taken Out of Politics

The Prohibition reorganization act became effective April 1, 1927. Dr. J. M. Doran was appointed Commissioner of Prohibition with power to reorganize the field forces under classified civil service rules. All officers and employees of the Internal Revenue Service engaged in enforcing the Volstead Act were transferred to the new Bureau. The policy of supplanting political appointments by means of the civil service, of placing business executives in charge of the field forces, and of enlisting local co-operation wherever possible was and is being put into effect. Enforcement now centers on the large sources of illegal liquor supply in smuggling, illicit brewing, and wrongful diversion of industrial and medicinal alcohol.

As a consequence Commissioner Doran reported March 29, 1928, that "Eight years of Prohibition have vindicated the wisdom of the Eighteenth Amendment. It has justified itself morally, socially and economically."

The Federal forces have run down the main sources of illegal supply. Organized "rum rows" are no longer operating. Treaties with foreign powers have had a wholesome effect in preventing smuggling.

Evaded formulas for making industrial alcohol have been changed; the amounts to be made during the coming year have been severely limited to commercial needs. Figures for the fiscal year show the "least whiskey withdrawn annually for medicinal purposes in the history of prohibition." Sacramental wine is under control, being "less than 30 per cent of the amount used during the prior fiscal year.'' Cereal beverage production is on the decrease, and close surveillance of large plants holding permits has driven illegal operators into the petty ''alley'' breweries. Finally, with the increase in convictions the Prohibition enforcement is recovering much of its cost in added fines. Along with these accomplishments Prohibition is working a change in public sentiment. Dr. Doran concludes:

> It has demonstrated that the American public does not want the saloon or beverage liquors. There is no question of personal liberty. It is simply a question of the general public good.
>
> The evident results of prohibition are not entirely matters of statistics. They are apparent to the senses and shown in the daily lives of the people. Of course, there is much unlawful liquor and not a little drinking, but these are gradually decreasing.
>
> Students of economics have generally reached the conclusion that prohibition is beneficial and a wise policy. Certain groups of the population think differently, but there is a slow but sure tendency in the public mind to adapt itself to the new conditions, and thoughtful people believe them best for society.
>
> Enforcement is improving in methods, in public confidence, and in the practical results obtained.

Federal and Local "Passing of Buck"

There is still plenty of room for improvement in Federal enforcement and much truth in the complaint of some State and local enforcement officers that their efforts are balked for lack of Federal co-operation. In short, Federal and local enforcement agencies "pass the buck" each to the other.

While Federal enforcement has improved, this cannot in general be said of local efforts and appropriations. A report of the Department of Commerce dealing with the cost of City and State government in 1925 records that only $700,000 was used by all State and local agencies for enforcement of prohibition. Albert Levitt remarks that this sum was "less than one-fifth the amount spent by the same agencies for fish and game wardens," and adds:

> When no money is available for the prosecution of offenders, when officers of the law are in lucrative partnership with the violators of the law, it is foolish to believe that the coercive element of enforcement is sincere.

Yet Mr. Levitt, who is Professor of Law at Brooklyn Law School and was Special Assistant to the Attorney General of the United States, is of opinion that enforcement is two parts successful, "in spite of the insincerity of politicians and officials, in spite of all their efforts to nullify the Eighteenth Amendment and the Volstead act, in spite of their practical partnership with the liquor industry, which is still alive and functioning.'' First, in their formulation of the types of conduct permitted and forbidden under the Amendment, the American people have been sincere and consistent. Under this head, namely, obedience to law, Mr. Levitt says:

> There can be nothing more genuine and honest than the Eighteenth Amendment and the Volstead act. The lines of conduct which must be followed by law-abiding citizens are clearly demarked. Forty-six States ratified the amendment. Rhode Island and Connecticut did not ratify.

In the second place, in that most important factor of enforcement, namely, obedience to law, Mr. Levitt finds that the people are ''eminently sincere'':

> When the Eighteenth Amendment was ratified the people throughout the country accepted it as a fact that prohibition had come to stay. Generally speaking, a very great majority of the people for various reasons gave their whole-hearted allegiance to the prohibition laws. Many of those who had been bitter opponents of the prohibition movement ceased their efforts and publicly announced their determination to abide by the Eighteenth Amendment and to aid in the

> enforcement of the Volstead act. The rank and file of people followed the lead given. Only a minority of the people failed to obey the prohibition laws. This minority was at first secretive and silent. When it was seen, however, that the coercive factor in enforcement was insincerely operative the silent minority became more and more clamorous. At the present time it has reached its most intense state of belligerency, but it still remains a minority of public opinion.

The Promise of Changed Conditions

Conditions and the sentiment of the nation, therefore, are rapidly changing from the circumstances and state of mind that characterized the era of political Federal enforcement, and that prompted Mr. Buckner to name tremendous sums as the price of securing respect for the law. They could only have been named on the theory of enforcing law at the outlet of illegal liquor and not at its source. Of course, any such basis of calculation is valueless.

No doubt larger appropriations are needed to strengthen and extend the new enforcement unit. The unit brought back into the Treasury, through fines and penalties collected, $38,391,000 of the $61,047,000 appropriated during the first eight years of National Prohibition. It now employs a higher class of men at better wages. These are under civil service, protected against politicians and assured of the reward of secure tenure and promotion for faithful service. Outlays are still needed for more Federal courts and trial agencies, and more effective co-operation between the States and the Federal authority. By such outlays a more efficient organization can continue to give to the States greater aid and encouragement.

TABLE 8B

PROHIBITION BUREAU—APPROPRIATIONS AND EXPENDITURES

Year	Appropriations	Expenditures
1920	2,200,000	$2,137,609.46
1921	7,100,000	7,034,652.08
1922	7,500,000	7,327,108.32
1923	9,250,000	8,994,427.51
1924	9,000,000	8,456,629.90
1925	11,341,777	10,500,401.59
1926	11,000,000	10,965,075.10
1927	13,322,440	12,490,543.58
1928	13,320,405	12,895,319.83
1929	13,318,150	....
1930	15,419,654	....

Includes amounts for Narcotic Act Enforcement.

SOURCE: Bureau of Prohibition (Pub. 57). Brookings Institute, Washington D. C. 1929 pp X-333. (81).

CHAPTER XI

IN SMUGGLING AND ILLEGAL DIVERSION OF ALCOHOL?

Wet View

It is naturally difficult to get from official sources admissions as to the quantities of alcohol smuggled or diverted from industrial uses. In self-defense, as the wets contend, the administration tries to prove its efficiency in law enforcement. But when an official resigns or is forced out, or is tried beyond his patience, the public may hear of something besides achievements. For example, the wets quote A. Bruce Bielaski, retired chief of Federal "under cover" men, as saying in Collier's Weekly, August 13, 1927:

> After nearly two years I learned that a large percentage of our population does not consider traffic in liquor as heinous as a violation of almost any other Federal statute.

Major Chester P. Mills, formerly Federal Administrator of Prohibition at New York, said in Collier's Weekly for October 15, 1927:

> Dollar-a-drink clubs with polished brass bar rails and elite customers served precisely the same poison as the dime-a-shot dumps of the wharf sides. More than 96 per cent of all seized booze told the same story—de-

natured alcohol, cleaned and synthesized into imitations of familiar beverages.

Major Mills reported:

> Sixteen independent denaturing plants in and around the New York area were producing at the rate of eleven million gallons of alcohol a year, or nearly one million gallons a month in 1925. In 1927 up to the time I quit office we had reduced this output to slightly less than 500,000 gallons for the year. Which means that previously some ten million gallons annually was diverted to bootleggers.

Detroit As a Port For Contraband

This testimony by Major Mills may be regarded as typical of the situation up to July, 1927, in Philadelphia, Boston, St. Louis, Chicago, and other large population centers with reference to diversion of industrial alcohol into beverage channels. With respect to smuggling from foreign countries, the case of Detroit is in point. In her article on "The Border Leak" appearing in The New York Times, August 13, 1929, Mrs. Willebrandt recounts her recommendation in 1925, in a report to the Attorney General, that the customs protection in the vicinity of Detroit be strengthened. She says:

> Did this report and these recommendations bring results? They did not. Here are the conditions that prevail at Detroit and elsewhere along our Northern border nearly four

years later, as detailed by one of the members of the Canadian Cabinet, the Hon. William G. Euler, to the Canadian House of Commons on May 21, 1929:

> . . . It has been stated that these (smuggling) boats go across at night. That is not entirely true.
>
> I took the trouble last Fall to go down to Windsor. I was offered safe conduct by a liquor exporter and went on a launch on the Detroit River. I could see the United States customs office on the other shore, and I could also see that it was not difficult to detect any boats that left the Canadian shore to go to the American side. While in Windsor I got into conversation with a man engaged in the business of exporting liquor. I asked him, "Do you cross in the daytime?" He answered, "Yes, quite often." I said, "How is it they do not get you?" He replied with a smile, "It just happens that they are not there when we go across."
>
> Our inspector went to Windsor not so very long ago. He did not select any special day. While there, on Jan. 14, he observed the following vessels cross the river to Detroit in daylight, with cargoes of liquor:
>
> *Ben*, J. King, master; 10 quarter barrels beer, 11 cases whisky.
>
> *Rat*, J. Sales, master; 24 cases whisky, 5 cases wine, 1 case brandy.
>
> *Bat*, A. Jacks, master; 19 cases whisky, 1 case wine.
>
> *Rabbi*, I. Straight, master; 5 half barrels beer, 8 cases whisky.

Bird, J. Bloom, master; 18 cases whisky, 8 cases bourbon, 3 cases Scotch whisky.

Bar, J. Peters, master; 13 cases whisky, 4 cases bourbon, 3 cases brandy.

That was in one day.

But this was not all that the Canadian parliament was told by its Minister of National Revenue. He submitted a report from the Canadian Revenue Collector at Bridgeburg, Ont., written in April of this year, which told of conditions in that vicinity. The Collector's report was that there were twelve boats plying between Canada and the United States at a point where the river is about half a mile wide. Some of the boats carried from 800 to 1,000 cases of liquor and they were required to leave the Canadian docks not later than 6 P. M. The Canadian officer said:

''No effort, as far as we can see, is made by the United States authorities to seize any of these boats, as the United States customs are always notified by us an hour or two before the boats leave. It is a well-known fact that some of these boats land within a few hundred yards of the United States customs office and unload without being disturbed. I know that if conditions were reversed we would have all these boats tied up in less than a week.''

Can any one doubt, after reading such statements, that there is not only something rad-

> ically wrong in Denmark but in the United States of America, particularly in the vicinity of Detroit and Buffalo?

In her annual report, December 3, 1928, as Assistant Attorney General, Mrs. Willebrandt said that 1,169,002 gallons of whiskey were cleared in the fiscal year for export to the United States and that the total Canadian value of all alcoholic beverages cleared from Canada for the United States in the same period was $24,397,958, or more than $2,000,000 a month. The figures represented an increase from 665,000 gallons in 1925, with a Canadian value of $10,772,988.

The Detroit Evening News published a series of articles beginning May 2, 1928, which show how Detroit, by virtue of her geographical location, is the natural port of entry for the liquor distributed in the Middle West and the States immediately below the Mason-Dixon line; a territory containing 35,000,000 persons directly supplied from Detroit, and 15,000,000 more supplied indirectly.

These articles estimate that at least $35,000,000 worth of liquor comes annually through a funnel neck of border river and lake front that is barred by a scant force of 100 men constituting the Customs Border Patrol. From data obtained from enforcement officials and persons engaged in the traffic the liquor turnover for Detroit is reckoned at $215,000,000 yearly, as follows:

TABLE 9

ESTIMATED LIQUOR TURNOVER IN DETROIT

Branch	No. Estab.	Wage Earners (aver.)	Value of Products
Open Saloons	4,000	12,000	$109,500,000
Pigs, resorts, etc., selling liquor	12,000	20,000	65,700,000
Stills	5,000	12,000	3,770,000
Alley breweries	200	1,650	770,000
Home brew plants	500	1,000	260,000
Alcohol plants	50	400	4,000,000
Cutting plants	150	450	1,000,000
Guards, gunmen and other retainers		500	
Smugglers, bootleggers		2,000	30,000,000
Totals	21,000	50,000	$215,000,000

This table represents Detroit's liquor industry to be nearly three times as great as her chemical industry; eight times as great as her stove and heating-appliance industry; ten times larger than her cigar and tobacco industry, and second only to her automotive industry.

Rum Shipments Into New York

On the Atlantic coast, while much is made of the abolition of Rum Row, sworn testimony before Federal judges was published in the New York Evening Post, April 20, 1927, that the bootleggers had circumvented the patrol boats by bringing steamship cargoes direct to Manhattan piers. C. M. Kinder, turning State's evidence, told how schooners laden with thousands of cases of liquor were taken past the Battery and docked in North River for unloading. The Evening Post's series based on Federal Court disclosures related to rum shipments that went as merchandise in huge quantities under many guises by bribing railroad workers; they told of printing plants working overtime in turning out ''fake'' markings for liquor that was ''cut'' from smuggled or diverted sources; and of a big business done by direct-mail methods.

Such reports coming through official and semi-official channels seem to bear out the observation of Chief Bielaski, seized upon by the wets and quoted at the beginning of this chapter, that with respect to smuggling and diversion of industrial alcohol into the production of illicit beverages a large percentage of the public does not consider violation of the Volstead Act as heinous as other crimes.

Dry View

That the reform in patrol of Detroit that Mrs. Willebrandt sought is now in process is shown by the following statement made in The New York Times of June 23, 1929:

> America's greatest rum port is about to be closed, if concerted efforts of the United States Government can accomplish it. Already the vanguard of a new enforcement army is arriving in Detroit, an army composed of picked veterans of other campaigns, now chosen for the special duty of stopping

the breach in the Prohibition dike. Within two weeks the enforcement officers, it is said, will command the first organization of men and boats that is adequate to carry on the rum war upon equal terms with the enemy.

Dr. James M. Doran, national Prohibition Commissioner, believes that the drying up of the liquor flood is no more than a matter of organization and vigilance.

"We have had three organizations operating in Detroit, where there should reasonably be but one," he said in discussing his new plans. But enforcement of the Prohibition laws is not confined to the Detroit area alone. This grave issue has required time and experience to develop the best methods of enforcement. We believe that it requires coordination of available forces in one district under a single directing head. In Detroit patrol work has been carried on by the Coast Guard, the Prohibition and the Customs divisions of the Treasury Department, each of them a distinct unit with distinct duties, most of which have no relation to one another. They meet fully only upon the common ground of enforcement.

We have had to overcome obstacles in bringing these services under one head, for a special purpose, while they continue under their usual officers in other respects. Experiments on the Pacific Coast have shown that this co-ordination meets the rum-running problem in the quickest, most effective way. We will apply the lessons learned in checking the Detroit flood. Can it be done?

> Certainly. We need only adequate numbers of men and boats, responsible authority, unflagging zeal. All of these needs are about to be supplied. For the first time I have the means at my command to stop the Detroit smuggling.

It is true that smuggling of illicit beverages has not ceased, and that there is still diversion of industrial alcohol. But enforcement has been strengthened in both departments. After tendering his resignation, June 30, 1927, Major Chester P. Mills, Federal Administrator at New York, reported decided results of enforcement under handicaps in that district, as recorded in the wet presentation of this chapter. Major Mills said further that, with decent administration free from political influence, he was convinced that the sources of supply in the United States could be controlled. The work of A. Bruce Bielaski, Chief of ''under cover'' men, was especially effective in bringing to book many big conspirators in violation of the Volstead Act. Mr. Bielaski has sent to Irving Fisher an expression of his belief in Prohibition, as follows: My real position on Prohibition is that I believe the Eighteenth Amendment a good thing for the country, and also with some changes, the Prohibition laws enacted thereunder. Had enforcement been in competent hands at the outset most of the present problems would not exist. The day will come when the law will be enforced as well as other laws of a similar type are enforced. Separation of politics and enforcement and the right men in office will do it.

Dwindling of "Rum Row"

During 1926 treaties with eight foreign governments were negotiated, or agreements made on the basis of existing treaties, assuring their co-operation against smugglers. The famous "Rum Row" dwindled and moved out to sea considerably beyond the 12-mile limit. In the annual report of the Department of Justice, December 5, 1927, Mrs. Mabel Walker Willebrandt, Assistant Attorney General, reported:

> Probably it should be observed that during the year Canadian ports lost some of their former attractions as bases for the high seas liquor smugglers. This has been due to the more stringent regulations which have been thrown about in-transit liquor operations by the Canadian Government. The larger and more powerful operators, therefore, have abandoned Canada. On the West Coast they have been trying out the usefulness of the Society Islands and on the East Coast the more extensive operations have been moved to St. Pierre and Miquelon (48).

During the fiscal year 1927, the Department of Justice reported that 320 American vessels were captured with contraband liquor in substantial quantities, as against 330 in 1926.

The diversion of industrial alcohol into illicit channels began to be checked, during 1926, at the source. Formulae susceptible of ''denaturing'' were abolished, and the unions of druggists with bootleggers and the abuse of physicians' prescriptions of medicinal liquors were seriously grappled with. It should be remarked that this action was belated—six years after the Volstead Act became effective. In his address before the Economic Club of New York in December, 1926, Assistant Secretary Lincoln C. Andrews announced that very little smuggled liquor was being brought in, and negotiations were nearly concluded for co-operation in the stoppage of smuggling with the only European country from which any considerable quantity was coming. Finally, he reported that it would soon be exceedingly difficult to get any real beer as a beverage. But there would remain the sources of illicit home brewage and distillation, for the ending of which local sentiment must be invoked.

Commissioner Doran Testifies

On July 30, 1928, Dr. J. M. Doran, Commissioner of Prohibition, prepared for publication in this chapter the following statement regarding the status of illegally diverted alcohol:

> During the fiscal year ending June 30, 1926, 105,000,000 wine gallons of industrial alcohol were produced in the United States. Un-

questionably there was a substantial amount of this diverted. I estimated at the time that the diversion was approximately 13,000,000 gallons. Beginning about two years ago the formulae for denaturing alcohol were taken up for chemical and technical study and at the same time a drive was made to "clean up" the lists of permittees withdrawing and using specially denatured alcohol and other liquors for manufacturing purposes.

As a result of the first move the formulae for completely denatured alcohol were reduced from six to two in number, and the remaining two were strengthened against illegal manipulation. The effect has been striking. In the fiscal year ending June 30, 1927, 95,000,000 gallons of industrial alcohol were produced and used in the United States. The statistics for the fiscal year ending June 30, 1928, are not available, but they will approximate the last year.

The Bureau of Prohibition for the year 1928 inaugurated a policy of allocation and limiting the primary production of alcohol to reasonably ascertained legitimate needs and this policy has still further stabilized the alcohol industry.

The agents of the Bureau of Prohibition seize very little denatured alcohol at present, as compared with two or even one year ago, and the miscellaneous samples seized and examined chemically in the Bureau's eighteen chemical laboratories throughout the United States show only a small proportion of

> material of industrial alcohol origin. The principal domestic sources of supply are spirits produced from raw material, such as grain and sugars and the tendency is toward smaller illegal units.
>
> In conclusion I will state that industrial alcohol diversion has been largely solved and overcome, and is not to-day a major source of supply for illicit liquor. I infer from the decreasing size of illicit distillery units that are captured that it is becoming too hazardous to set up and attempt to maintain large illicit distilleries. I would not care to make the last statement a dogmatic assertion, but rather that all information coming to me through the operations of the field force of the Bureau of Prohibition indicates that such is the case.

It appears, therefore, that alcohol diversion is no longer the backbone of bootlegging profits. Major William Burnet Wright, Jr., special counsel to Governor Gifford Pinchot, during his struggle to suppress the diverters of industrial alcohol in Philadelphia, remarks in a letter to Irving Fisher that illegal diversion became a problem because of the ''failure of the Government to properly use the permit system.'' He adds:

> If used as it should have been it would have prevented almost entirely the diversion of alcohol, and, probably, the granting of any of the sixteen independent denaturing plant permits referred to by Major Mills.

Illicit Industry Now on Small Scale

At any rate, Major Mills was describing a situation which was already passing. What has happened was precisely what was foreshadowed in the report of the Federal Council of the Churches of Christ in America in 1925: this pointed out that if the diversion of alcohol which easily constituted the chief source of the illicit liquor traffic should be effectually checked, then the test of Prohibition would be shifted to the strength of the small-scale illicit industry. Dr. Doran's statement indicates that the main problem is no longer the diversion of alcohol. Nor is it, probably, smuggled liquor, despite the magnified reports of newspaper feature writers on this subject. But the back of the illicit traffic will not be broken until the "moonshine" business is broken up, and that is, of course, decentralized and scattered over the whole country. The warfare against liquor is turning into guerrilla warfare.

CHAPTER XII

IN A TYPICALLY DRY STATE?

WET VIEW

National Prohibition in the United States has been brought about largely by those states which experimented first with local option and abolished the alcoholic liquor traffic in the counties. This prepared the way for Prohibition in the whole state.

North Carolina would certainly qualify as a typical American state of this character. It has a homogeneous native population, with only a small fraction of aliens. It started as a local-option state, later adopting State Prohibition in 1908.

Twenty years have elapsed—a sufficient period of time in which to draw some conclusions as to whether Prohibition will be effective in the long run.

The advocates of Prohibition have maintained that the reaction to the Eighteenth Amendment is a temporary phenomenon, and that eventually the consumption of alcohol will settle on a level far below the one in pre-Prohibition days, and that this Amendment has as good a chance of being obeyed and enforced as any other law. North

Carolina should indicate not only the effects of State Prohibition, but also show how National Prohibition affects a state which has been dry for many years. Possibly the experience of this state may indicate how the nation will fare in the long run.

To be sure, Maine and Kansas have been dry for a longer period of time, but these two states could not so well be compared with a state like Connecticut, used here as an example of a typically wet state, as could the state of North Carolina. Maine is a border state, with problems of smuggling peculiar to border states only. Kansas is wholly an agricultural inland state, making comparison with Connecticut rather difficult. Many of the states which have adopted prohibition are in the South and the West, where accurate statistics have not been kept until only recently. The Tar-Heel State has had prohibition for a sufficient time to make comparisons significant. It is not wholly an agricultural state. In recent years it has seen great industrial expansion. It borders on the Atlantic. For many other reasons it would seem advisable to take this state for purposes of comparison with Connecticut.

Before Eighteenth Amendment, Dry North Carolina Did Well

Prior to the advent of National Prohibition, there seems to have been little doubt that Prohibition in North Carolina was successful. In May, 1917, the Literary Digest, covering the ground thoroughly in its analysis, reported as follows:

> As to the effects of the system of regulation which we call "prohibition," it is undoubtedly true that it has caused a decrease in the consumption of alcoholic beverages, chiefly as the doing away with the saloons and dispensaries has operated to prevent the education of the young in the use of intoxicants. —The Raleigh Times.
>
> The Christian Sun (Elon College) answers the question by noting the report of the State Board of Health that the "death rate" from alcoholism in North Carolina was 1.4 in 1914 as against 5.9 for the United States in 1913, the latest figures available.
>
> The stocks of building and loan associations have advanced in value more than 250 per cent. Agriculture and manufactures, according to the Governor, have kept pace with the general development, and North Carolina never has enjoyed such an era of prosperity.
>
> In North Carolina, which has had Prohibition since 1909, the Winston-Salem Journal says that it has been a wonderful success and recalls that shortly before he withdrew from office, ex-Governor Craig issued a statement in which he summarized most admirably the effects of the movement in North Carolina. Noting that Prohibition was adopted by an overwhelming majority, he expressed the opinion that if submitted to the people again the majority would be much larger than it

> was in 1908, for in his opinion the opposition had largely disappeared because the benefits of the law have been demonstrated. Governor Craig proved that since Prohibition took effect the enrollment and attendance of the public schools have increased more than 21 per cent, and the school fund of the State has increased more than 85 per cent. The capital stock of the State charter banks has increased more than 50 per cent, and their deposits have increased more than 100 per cent.
>
> Gradually our views underwent a change. First we were against our own judgment converted to the practicability of local option, but we held out against State-wide Prohibition because we did not think that liquor-drinking in large cities could be controlled. When it came to this State, we voted for it, but with many misgivings, and were surprised to find that it slowly won its way, despite lukewarm support and violent opposition.—Presbyterian Standard, Charlotte.

Change for Worse After 1920

But with National Prohibition there came a change in the reports. During 1928, Mr. Hugh F. Fox, Secretary of the U. S. Brewers' Association, reprinted in one of his publications (84) the two subjoined items:

The Charlotte Observer of May 15th says:

> Judge Webb, of the Federal bench, found himself faced in Asheville with a docket of

> over 500 cases, the majority having to do with violations of the liquor laws. Facts of this kind moved the judge to deliver an address on Prohibition to the grand jury, in which he laid down the ultimatum that the moonshiners ''must quit making liquor, or leave the beautiful mountains of western North Carolina.'' Which means that Judge Webb proposes to keep the penitentiary doors opening and shutting until the mountain millennium is at hand.

Also:

> North Carolina comes next, and we have five cities. The average (arrests for intoxication) for the 5 is 136 per 10,000, nearly 7 times New York. Wilmington is the temperate spot with 70 arrests per 10,000 and Durham is the wet spot with 353 per 10,000, 17 times New York. If New York had as many arrests as Durham it would have over 180,000 instead of 11,011 arrests. These are the cities of North Carolina:

TABLE 10

ARRESTS FOR INTOXICATION IN NORTH CAROLINA

	1920 Population	1925 Arrests for Drunkenness	Arrests Per 10,000
Durham	**21,719**	**742**	**353**
Gastonia	**12,871**	**129**	**108**
Rocky Mount.........	**12,742**	**162**	**135**
Wilmington	**33,372**	**220**	**70**
Winston-Salem	**48,395**	**513**	**107**
	129,099	**1,766**	**136**

Hence the wets contend that the liquor question has not been finally settled in North Carolina, even after twenty years of experimenting.[1]

The annual reports of the Department of Internal Revenue (49) shed further light on the subject of Prohibition in the State of North Carolina. Since 1920 the following sums of money have been spent by the Prohibition unit in an endeavor to enforce the law in that state:

TABLE 11

AMOUNT SPENT FOR ENFORCEMENT BY THE U. S. PROHIBITION UNIT IN NORTH CAROLINA

1920	$6,917.36
1921	14,094.44
1922	155,299.65
1923	187,958.80
1924	169,051.96
1925	195,981.47
1926	348,915.88

(Data by states not published since 1927).

Source: Annual Reports of the Commissioner of Internal Revenue (49).

A still more significant table herewith attached shows the convictions for crimes arising in North Carolina wholly from the illegal traffic in alcoholic beverages.

The rates per 100,000 population of convictions for illegal selling of alcoholic beverages from 1898-99 to 1913-14 were as follows:

---

[1] Lawson Purdy comparing arrests for intoxication in North Carolina and New York City.

TABLE 12

RATES OF CONVICTIONS BY THE OFFICE OF THE ATTORNEY GENERAL FOR SELLING INTOXICATING LIQUOR IN NORTH CAROLINA

Year	For Retailing	For selling to Minors	For selling on Sunday
1898–99	27.06	1.66	1.76
1899–1900	28.35	2.27	0.73
1900–01	34.80	1.97	1.03
1901–02	39.51	0.15	1.02
1902–03	35.16	0.45	0.75
1903–04	41.36	1.18	2.17
1904–05	50.92	0.82	0.53
1905–06	58.71	0.24	0.81
1906–07	50.08	0.99	0.28
1907–08	61.89	0.60	0.04
1908–09	69.01	0.18	0.13
STATE PROHIBITION			
1909–10	61.14	0	0.09
1910–11	57.01	0.35	0.04
1911–12	70.00	0.08	0.04
1912–13	78.36	..	..
1913–14	80.17	..	..

Source: Reports of the Attorney General, State of North Carolina (50).

Since 1914 only one item has been reported. The rates of convictions for selling intoxicating liquor have gone up. (See Table 13, on next page.) These rates indicate a decided upward trend from 1920 to 1924. Since then the reaction seems to have slowed down somewhat.

Evidence of Increased Violations of Law

Furthermore, data (p. 207) taken from the annual reports of the Commissioner of Internal Revenue show the paraphernalia confiscated, property seized and other items reflecting the enforcement of the Eighteenth Amendment in that State by the Prohibition Unit, which is working independently of the State authorities. It is over and above the efforts put forth by the State enforcement agencies and reported, in part, by the Attorney General, and also by the various police departments.

TABLE 13

RATES OF CONVICTIONS BY THE OFFICE OF THE ATTORNEY GENERAL FOR SELLING INTOXICATING LIQUORS IN NORTH CAROLINA
(Rate per 100,000 Population.)

1914–15	63.12
1915–16	58.02
1916–17	61.06
1917–18	40.86
1918–19	40.05
1919–20	49.35
1920–21	61.67
1921–22	76.20
1922–23	103.30
1923–24	160.05
1924–25	163.77
1925–26	177.81
1926–27	154.71
1927–28	170.02

Source: Reports of the Attorney General, State of North Carolina (50).

In analyzing these data it is important to bear in mind that State Prohibition really became effective in 1909 in North Carolina. From 1898 to 1914 the rate of convictions on the charge of retailing alcoholic liquors increased from 27 per hundred thousand population to 80. The maximum in the pre-prohibition period was recorded in 1908 with a rate of 69. It decreased in the first two years of State Prohibition. After that, it rose to 80 in 1914. Since 1915 the charge has been changed, and convictions for selling intoxicating liquors, which were 63 per hundred thousand population in 1915, diminishing to the low rate of 40 in 1918-1919, reached the unprecedented high level of 177 in 1926, the last year for which data are available.

The tables in this chapter would indicate—judging from these data alone—that so far as North Carolina is concerned, Prohibition is, if not still at its worst, at least as yet not at its best.

DRY VIEW

In any study of the development of the State of North Carolina, three names must be taken into consideration—Charles B. Aycock, Walter Hines Page, and "Buck" Duke. The first two, with others who co-operated, are in a large part responsible for the revolution in education which has taken place in North Carolina. The latter is responsible for a great deal of the prosperity of the State. His dream came true, and the hydro-electric development, representing an investment of several hundred million dollars, has had a great deal to do with the economic development of the State.

But just a few individuals working with such

TABLE 14

STATEMENT OF NUMBER OF ARRESTS, SEIZURES, ETC., BY FEDERAL PROHIBITION DIRECTORS AND BY GENERAL PROHIBITION AGENTS IN THE STATE OF NORTH CAROLINA

(FISCAL YEAR ENDS JUNE 30)

	1918	1919	1920	1921	1922	1923	1924	1925	1926	1927	1928
Illicit Distilleries and Distilling Apparatus Seized:											
Distilleries	§814	§1,534	§3,104	2,287	1,400	1,393	780	839	1,884	1,824	1,841
Stills	753	1,473	3,104	1,551	166	154	960	1,917	753	454	1,036
Still Worms	.....	......	......	941	192	177	224	686	586	367	366
Fermenters	.....	......	......	14,334	12,933	11,881	11,731	18,340	16,843	16,069	12,694
Spirits Seized Wine Gallons	293	463	4,796	8,528	7,353	14,871	13,768	18,272	18,856	19,149	18,228
Malt Liquors Seized—In 1,000 W. G	.....	......	......	1,204	1,174	1,113	1,068	1,512	1,721	867	288
Wine Seized—W. G	1,240	......	50	....	......	3,910	3,827	4,907	3,701	2,846	1,274
Cider Seized—W. G	.....	......	......	....	......	3,665	1,159	3,721	300	467	900
Mash Seized—W. G	.....	......	......	†30,396	†442,747	16,569	10,164	300,400	339,917	1,193,031	2,533,317
Pomace Seized—W. G	.....	......	......	....	......	28,886	8,277	22,420	9,310	37,235	1,730
Autos Seized	.....	......	......	....	60	174	133	219	216	189	157
Value of Autos Seized	.....	......	......	....	......	$53,129	$34,287	$70,520	$69,111	$67,240	$59,174
Property Seized and Destroyed	‡$8,339	‡$24,689	‡$283,152	‡$461,869	$356,756	$467,278	$421,932	$758,860	*$649,125	$762,908	$693,455
Property Seized and Not Destroyed	.....	......	......	....	$60,542	$60,213	$72,289	$76,883	*$49,292	$70,131	$62,764
Total Persons Arrested	.....	......	......	1,036	659	867	662	1,231	*1,056	1,167	1,213

* September, 1925, to June 30, 1926. † Wine, Cider, Mash and Pomace. ‡ Property Seized. § Seizures.

SOURCES: Annual Reports of the Commissioner of Internal Revenue.
Annual Reports of the Commissioner of Prohibition since 1927.

natural advantages cannot remake a state, except with the consent and aid of the rest of the citizens. It is freely granted that many forces unrelated to Prohibition have aided in producing the fortunate results noted in this chapter. While giving full credit to these liberalizing forces and the men who have done so much for education and for economic development, one cannot study the history of the last quarter of a century of the Tar-Heel State without realizing that the prohibition policy not only has been a contributing factor, but, in large measure, a determining factor in this new development.

Dry Majority Approves Results

It is quite true that Prohibition in North Carolina has not solved the liquor question to-day entirely. Louis Graves made a survey of the prohibition situation in the State after North Carolina had been dry for over a decade, and this is his appraisal of the situation, in an article in the World's Work published a few years ago. He begins with this paragraph:

> There is no prohibition issue in North Carolina. The affair is settled. If a vote were taken on the question to-day the dry majority would be far greater than it was when the wets and drys lined up against each other for their state-wide fight in 1908.

He outlines the evolution of the prohibition movement in North Carolina as follows:

> State-wide prohibition came in 1908. The law, however, permitted druggists to sell whiskey by prescription and did not prevent shipments into the state. In 1913 sale by druggists was forbidden. The striking fact in connection with this measure was that it was enacted in response to two petitions of a sort not expected in such a cause. One came from the druggists' association, in resentment at the discredit brought upon their trade by a few men who were growing rich by acting as bootleggers. The other came from the State Medical Association, which adopted a resolution declaring its belief that alcohol was not necessary in medical practice and should not be sold in drug-stores.
>
> The so-called Quart Law went through in 1915. This limited to one quart every fifteen days the amount of liquor that might be brought into the state by one person. It may easily be imagined to what abuses this privilege was open. People ordered for one another; fictitious names were used freely; and the same man could have many quart packages sent to him in many different towns. The New York politician who voted gravestones to pile up a needed majority was a tyro beside the North Carolina drinkers and sellers of drink who set out to beat the Quart Law.
>
> The Reed Amendment, when introduced in Congress as part of an appropriation bill,

> was a wet move. Senator Reed was a wet, and this proposal of his was meant to embarrass the drys by making prohibition detestable. By forbidding the shipment of liquor into dry states it superseded North Carolina's Quart Law. It was soon followed by war-time prohibition and then by the coming into effect of the Eighteenth Amendment to the Constitution.
>
> Thus prohibition in North Carolina was a gradual growth.

Improvement of Gaston County

The Department of Rural Economics and Sociology of the University of North Carolina sends students into different districts to make special intensive surveys of certain counties. In a survey on Gaston County, made in 1920 by this department, and published by the university, the following paragraphs describe the moral revolution which has come about in that particular county. Mr. S. H. Hobbs, Jr., reports:

> The experience of Gaston County has been unique. It was first the banner whiskey county of North Carolina, and now it is the banner cotton-mill county. The cotton mill completely displaced the distillery in less than thirty years or so.
>
> During the decade from 1878 to 1888, the period of greatest activity in the distillery business, the county saw a comparatively slow development in the textile industry, only four mills being erected during this ten-year

period. The seven-year period from 1888 to 1895, the years that witnessed the first big decline in the number of distilleries (eight ceasing operation during this period), gives us an entirely different story to relate. During these seven years, while the distilleries were decreasing by eight in number, the total number of cotton mills constructed was twenty. The conclusion to be drawn from the above figures is that as the manufacture of whiskey declined, the interest centered in it was shifted over to the textile business, with the result as mentioned above.

In 1900 the population was 27,903, the valuation of taxable property was $5,166,129, the cotton mills reached thirty or more in number, and the number of distilleries was reduced to sixteen.

The year 1903 saw a great victory for the prohibitionists of Gaston. The law passed in that year ''prohibited the manufacture and sale of liquors in Gaston County.'' Wine was still allowed to be manufactured, while whiskey could only be secured by prescription of a qualified physician.

The five-year period following the passage of the first prohibition law witnessed remarkable growth in Gaston County along all lines. The population of the county increased to 36,000 in 1908, the valuation of taxable property amounted to $10,000,000, and the sum of $35,782 was expended for educational purposes (31).

Gaston County, which twenty years ago lost the whiskey industry, is now one of the wealthiest in the State. Gastonia, the county seat, with a population of 22,000, boasts of five banks with about ten million dollars in deposits, 42 cotton mills with 570,775 spindles, a daily mill payroll of $17,555, a mill capitalization of over $16,000,000, turning out manufactured products aggregating in value over $26,000,000.

So far as Gastonia and Gaston County are concerned, evidently the ten-year period of grace allotted by the Moderation League to Prohibition has somehow managed to drag over a period of twenty years. To-day this former center of the whiskey distilling industry is thriving and prospering under Prohibition, and there are no mourners bewailing the passing of liquor.

Phenomenal Statewide Progress

An analysis of the statistical reports from all over the State indicates that the phenomenal progress and the gain in economic well-being in Gastonia and Gaston County are true to a certain extent for the whole State. North Carolina's property is estimated to be valued, in 1928, at over $5,000,000,000. In 1900 the property value was $681,000,000; in 1910, $1,685,000,000; in 1926, $4,543,000,000; and over five billions of dollars at the present time. For the year ending June 30, 1927, North Carolina paid for Federal Taxes to the United States Government $205,684,000. This amount was exceeded by only three states—New York, Pennsylvania and Illinois.

The bank resources of $150,000,000 in 1914 grew to over $500,000,000 by 1926. This small state, with a population of about 2,897,000 in 1927, spent $35,000,000 on public schools in 1926. Thirty-four per cent of this amount was for new schools—leading the United States in the latter, with New York second.

The development of the highways has been equally phenomenal. North Carolina has over 7,000 miles of state highways. In the last five years, ending in 1926, it spent about $125,000,000 on highways alone.

In 1900 some $68,000,000 were invested in the industry of the state. These investments grew to $217,000,000 by 1910, $669,000,000 in 1920, and the recent estimates are that the capital invested in industry in the state exceeds one billion dollars. In 1927 North Carolina paid out in wages over $134,000,000 to the 182,000 wage earners. The state leads all other southern states in values added to raw materials manufactured. Here is a list of the leading southern states and their relative rank compared with North Carolina:

North Carolina	$499,727,125
Texas	392,808,607
Maryland	357,660,398
Virginia	274,199,597
Georgia	249,501,036

This small state ranks fifth in the United States in water-power development. In the southern states it ranks second in output of power plants, with 1,730,861,590 kilowatt hours, and second in output by water power with 1,025,278,570 kilowatt hours.

Apparently the havoc which has been promised the farmer under the Prohibition regime has not come to North Carolina. In 1927 the state ranked fourth in value per acre of 22 important farm crops in the United States ($45.43); sixth in total value of the same ($314,596,000). In this it surpassed the great northern states of New York ($200,197,000), Pennsylvania ($214,212,000), Ohio, Indiana, Michigan and Wisconsin. It was exceeded only by Texas, Iowa, Nebraska, Illinois and Kansas. The official rank of the North Carolina crops in the United States in 1927 is as follows:

1st in tobacco
2nd in peanuts, soy beans, sweet potatoes, early Irish potatoes
3rd in cow peas and cucumbers
5th in sorghum cane for syrup
6th in green peas, snap beans for table
7th in lettuce and cotton (lint alone).

The forest products of the state are valued at about $100,000,000 annually. North Carolina leads all the states in the per cent of debt-free homes. More than four-fifths of its home-owners have no debt thereon. North Carolina has the highest birth rate of any state. At the last census it showed that three-tenths of one per cent within its borders were foreign born.

North Carolina shows a great number of prosecutions of liquor cases. There has been reaction toward violating the law in this as in most other States, after the "new-broom" period. But there is also a good deal of Anglo-Saxon respect for law, as law, in North Carolina, and the increased prosecutions are rather an index of the determination of the people to enforce this law than a sign of general lawlessness and breakdown of Prohibition.

It is stated by an eyewitness, that he sat in the police court of Winston-Salem during 1925, studying the enforcement machinery of the state. A defendant was brought in by policemen, the charge was "Transportation of Liquor." It developed that the prosecuting attorney, in order to make a strong case, wanted to show that the liquor had not only been possessed but also transported. Testimony was to the effect that a gallon jug of peach brandy was in the car at the time of the arrest. The motor was not running. The automobile was at a gas station. The lawyer for the defense brought out through witnesses—employees of the gas station—that the motor was not running at the time of the arrest and that the owner of the car and booze was merely behind the wheel and while being pushed by two colored boys he steered the car to the gas tank. This the defendant admitted. The Court was satisfied that as the automobile was in motion when the arrest took place, the policeman was justified in the charge of "Transportation of Liquor." The car was forfeited, the fine was $250.00 and no one happier than the defendant who got away so *easily.*

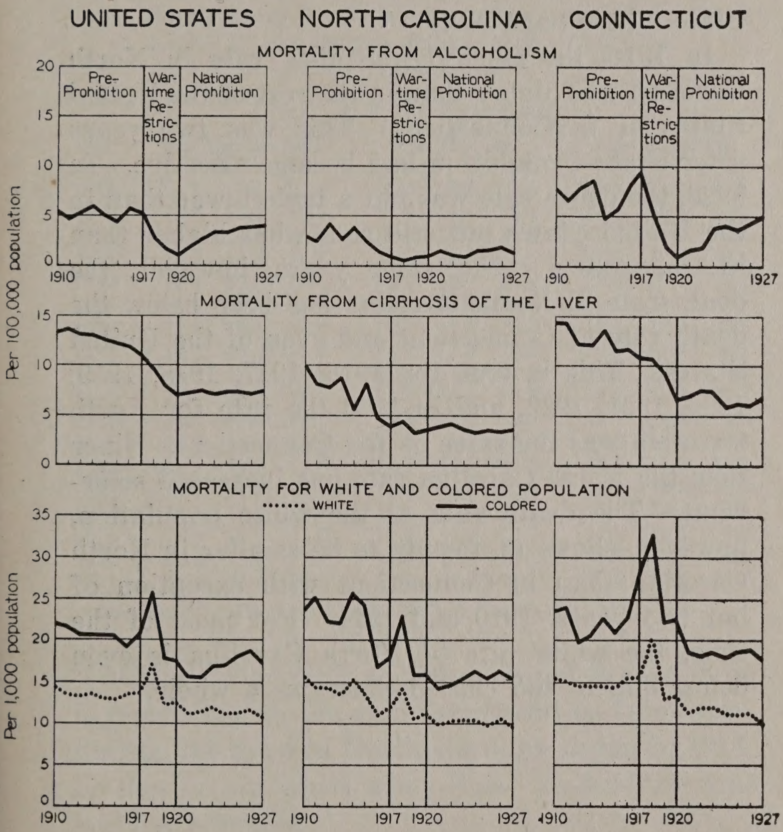
If public opinion in the States of New York, Maryland and Connecticut were aroused so as to demand, not to say anything about tolerating such strict enforcement, these latter states which have either failed to ratify or attempted to nullify the Eighteenth Amendment, would have a different story to tell.

Records of Decreased Mortality

It is somewhat difficult to report statistical data on mortality for North Carolina which would have any great significance, because the figures available barely reach back to 1910, instead of going back to at least 1900, and thus giving a period of time in the pre-Prohibition era of some significance.

From the United States Census Bureau, the following data on mortality have been gleaned, both white and colored, from all causes, and rates of deaths due to alcoholism and cirrhosis of the liver. The accompanying series of graphs illustrate the situation in North Carolina compared

GRAPH 6



TOTAL MORTALITY AND
MORTALITY FROM CERTAIN CAUSES

with the United States as a whole, and with the State of Connecticut taken as an example of a wet State. (See page 217.)

In 1910, the general mortality rate in North Carolina was higher than in the rest of the United States or in Connecticut. This was two years after State Prohibition had become effective. In 1926, the death rate was but a trifle lower than in the United States but still somewhat higher than in Connecticut. For some years, however, the death rate in North Carolina has been below the death rate of Connecticut and even of the United States. This is true for 1916, 1917, 1918, 1919, 1920, 1921, 1922, and in 1923 the rate for North Carolina was the same as for Connecticut. Since then the North Carolina rate has increased somewhat. The death rate of the white population, however, shows uniformly to be smaller in North Carolina than in Connecticut with exception of but two years, 1910 and 1914. For most of the time, the white rate of North Carolina is even below that of the United States as a whole.

TABLE 15

TOTAL DEATH RATES AND RATES FOR WHITE AND COLORED POPULATION IN THE UNITED STATES, NORTH CAROLINA AND CONNECTICUT

(Rate per 1,000 Population.)

Year	Total Mortality Rates			Rates White Pop.			Rates Colored Pop.		
	U. S.	N. C.	Conn.	U. S.	N. C.	Conn.	U. S.	N. C.	Conn.
1910	14.7	18.6	15.6	14.5	15.8	15.5	21.9	23.7	23.6
1911	13.9	18.2	15.3	13.6	14.4	15.1	21.6	25.2	24.0
1912	13.6	17.1	14.7	13.3	14.2	14.6	20.7	22.3	19.7
1913	13.9	16.5	14.7	13.5	13.5	14.6	20.5	22.1	20.5
1914	13.5	19.0	14.8	13.1	15.4	14.6	20.5	25.7	22.7
1915	13.3	17.3	14.5	12.9	13.6	14.4	20.5	24.3	21.0
1916	13.9	12.9	15.8	13.5	11.1	15.6	19.2	16.8	22.7
1917	14.1	13.8	15.9	13.6	11.9	15.6	20.5	17.8	28.1
1918	18.0	17.1	20.4	17.3	14.5	20.2	25.7	23.0	32.9
1919	12.8	12.2	13.3	12.3	10.5	13.2	17.9	15.9	22.3
1920	13.0	12.7	13.6	12.5	11.2	13.4	17.7	16.0	22.6
1921	11.6	11.3	11.4	11.2	9.9	11.3	15.8	14.4	18.6
1922	11.8	11.6	12.0	11.4	10.3	11.9	15.6	14.8	18.2
1923	12.3	12.0	12.0	11.8	10.5	11.9	17.0	15.5	18.6
1924	11.8	12.2	11.3	11.2	10.4	11.2	17.0	16.4	18.1
1925	11.8	11.6	11.2	11.2	9.9	11.1	18.0	15.5	18.6
1926	12.2	12.1	11.4	11.6	10.4	11.3	18.8	16.3	18.8
1927	11.4	11.4	10.2	10.8	9.7	10.1	17.3	15.5	17.7

Source: U. S. Bureau of Census, Dep't of Vital Statistics (66).

While Connecticut and the United States show a great drop in the rate for mortality from alcoholism, the drop in North Carolina began in 1914, or five or six years after State Prohibition had become effective.

Since 1920 there has been an increase for the United States and Connecticut which has not reached the pre-Prohibition level. The reaction in North Carolina is less than one-half that for the

United States and for Connecticut. In the death rates from cirrhosis of the liver, with but slight fluctuations, the decrease for North Carolina has been constant. For the United States, it has been somewhat static since 1920. For Connecticut the rate has shown a reaction since 1920, with a decided drop in 1924. Since then the curve has been somewhat static.

TABLE 16

DEATH RATES FROM ALCOHOLISM AND CIRRHOSIS OF THE LIVER IN THE UNITED STATES, NORTH CAROLINA AND CONNECTICUT

(Rate per 100,000 Population.)

Year	**Rates for Alcoholism**			**Rates for Cirrhosis of Liver**		
	U. S.	**N. C.**	**Conn.**	**U. S.**	**N. C.**	**Conn.**
1910	**5.5**	**2.8**	**7.7**	**13.3**	**9.9**	**14.4**
1911	**4.8**	**2.4**	**6.6**	**13.6**	**8.2**	**14.4**
1912	**5.3**	**4.1**	**7.7**	**13.1**	**7.9**	**12.2**
1913	**6.0**	**2.7**	**8.6**	**12.9**	**8.7**	**12.1**
1914	**5.0**	**3.8**	**4.9**	**12.5**	**5.7**	**13.7**
1915	**4.4**	**2.3**	**5.7**	**12.2**	**8.2**	**11.5**
1916	**5.7**	**1.3**	**8.2**	**11.9**	**4.8**	**11.7**
1917	**5.2**	**0.9**	**9.6**	**11.0**	**4.1**	**11.0**
1918	**2.7**	**0.5**	**5.2**	**9.5**	**4.4**	**10.7**
1919	**1.6**	**0.8**	**1.8**	**7.9**	**3.3**	**9.3**
1920	**1.0**	**1.0**	**1.0**	**7.1**	**3.7**	**6.7**
1921	**1.8**	**1.3**	**1.6**	**7.4**	**3.9**	**7.0**
1922	**2.6**	**1.0**	**1.9**	**7.5**	**4.1**	**7.6**
1923	**3.3**	**0.9**	**3.9**	**7.2**	**3.7**	**7.5**
1924	**3.2**	**1.5**	**4.2**	**7.4**	**3.4**	**5.9**
1925	**3.6**	**1.6**	**3.7**	**7.3**	**3.6**	**6.2**
1926	**3.9**	**1.8**	**4.2**	**7.2**	**3.3**	**6.1**
1927	**4.0**	**1.3**	**5.0**	**7.5**	**3.7**	**6.8**
1928	**4.0**	**1.9**	**5.5**	**7.5**	**4.1**	**6.7**

Source: U. S. Bureau of Census, Dep't of Vital Statistics (66).

TABLE 17

FATALITIES FROM AUTOMOBILES IN THE UNITED STATES, NORTH CAROLINA AND CONNECTICUT

	United States Data			North Carolina Data			Connecticut Data		
Year	Cars Registered	Persons Per Car	Auto Fatalities per 100,000 Pop.	Cars Registered	Persons Per Car	Auto Fatalities per 100,000 Pop.	Cars Registered	Persons Per Car	Auto Fatalities per 100,000 Pop.
1910..	468,500	196.31	...	2,018	1,093.30	...	......	....	...
1911..	639,500	145.97	...	1,686	1,329.52	...	......	....	...
1912..	944,000	100.34	...	2,402	947.90	...	......	....	...
1913..	1,258,062	76.38	...	10,000	232.21	...	23,200	51.49	...
1914..	1,711,339	56.95	...	14,677	159.94	...	27,786	43.95	...
1915..	2,445,666	40.41	5.9	21,000	113.46	3.3	41,121	30.34	8.4
1916..	3,512,996	28.53	7.3	33,904	71.32	2.2	56,048	22.73	13.3
1917..	4,983,340	20.38	9.0	55,950	43.85	2.7	74,645	17.43	14.6
1918..	6,146,617	16.75	9.3	72,313	34.41	3.2	86,067	15.42	13.7
1919..	7,565,446	13.79	9.4	109,017	23.15	4.1	102,410	13.22	15.1
1920..	9,231,941	11.45	10.4	140,860	18.17	5.2	119,134	11.59	15.6
1921..	10,463,295	10.23	11.5	148,627	17.45	5.3	134,141	10.49	15.5
1922..	12,238,375	8.86	12.5	182,550	14.40	6.4	150,977	9.37	14.9
1923..	15,092,177	7.28	14.9	246,812	10.80	9.6	181,748	8.03	16.9
1924..	17,591,981	6.32	15.7	302,232	8.93	12.0	217,227	6.84	18.4
1925..	19,954,347	5.64	17.0	341,126	8.02	13.4	250,669	6.04	21.6
1926..	22,001,393	5.10	17.9	384,619	7.20	15.9	263,235	5.85	19.1
1927..	23,127,315	4.99	19.5	434,200	6.46	19.6	281,521	5.56	21.8
1928..	24,493,124	4.76	20.3	464,376	6.12	20.3	309,792	5.14	26.6

Source: American Automobile Association (51).

While the fatalities have increased and are still on the increase in North Carolina, the data show that the increase is as yet decidedly below the curve of automobile fatalities for the whole United States and for Connecticut.

One significant table made from data received from the Board of Health of North Carolina shows the tremendous decrease in mortality from tuberculosis. The death rates have dropped from 139.3 in 1914 and 156.4 in 1915 to 101 in 1921, and the low point of 89.0 in 1925. There has been an increase during 1926, when the rate reached 96.8.

However, since 1922, it has always been below 100 per 100,000.

The birth rate for the state has remained more or less constant; from 31.2 in 1914 it fluctuated, reaching a maximum of 33.4 during 1915 and during 1921. During the last few years it has been 31.9 in 1924, 29.7 in 1925, and 28.8 in 1926. This is the lowest in the period. The previous low point was in 1919 when the rate was 29.3.

The subjoined table gives the admissions of patients to two State Hospitals for the Insane in North Carolina, where the probable cause of admission was recorded as being due to alcoholism. The admissions to the Morgantown Hospital go back far enough to be of some significance. The average yearly admission from 1900 to 1905 was a little over three patients. From 1906 to 1910, a little over 3. During the subsequent five years, the average was 9. It dropped then to an average of a little over 2 from 1916 to 1920 and has averaged 2 during the years 1921 to 1924. Inquiries are being made regarding the extraordinary increase since 1924. No answers had been received when the book went to press, but additional information will be included in subsequent editions.

TABLE 18

ADMISSIONS OF PATIENTS TO TWO STATE HOSPITALS FOR THE INSANE, NORTH CAROLINA

	MORGANTOWN STATE HOSPITAL[1]			DIX STATE HOSPITAL[2]		
YEAR	Total Admission	Alcoholic Insanity	Percentage of Total	Total Admission	Alcoholic Insanity	Percentage of Total
1900....	123	4	3.25			
1901....	132	2	1.51			
1902....	119	2	1.68			
1903....	262	3	1.14			
1904....	282	2	0.71			
1905....	218	8	3.67			
1906....	195	4	2.05			
1907....	203	2	0.98			
1908....	226	2	0.88			
1909....	203	3	1.48			
1910....	337	5	1.48			
1911....	311	13	4.18			
1912....	237	10	4.22	233*	28*	12.02*
1913....	186	7	3.76	275	14	5.09
1914....	162	5	3.09	538	29	5.39
1915....	366	10	2.73	318	26	8.18
1916....	296	3	1.01	275	15	5.45
1917....	304	2	0.66	203	4	1.97
1918....	274	4	1.46	196	3	1.53
1919....	385	1	0.26	244	6	2.46
1920....	338	1	0.29	192	4	2.08
1921....	369	3	0,81	300	3	1.00
1922....	304	1	0.33	374	13	3.47
1923....	436	2	0.46	430	23	5.35
1924....	454	2	0.44	486	25	5.14
1925....	449	5	1.11	569	75	13.18
1926....	525	9	1.71	383	32	8.35
1927....	600	15	2.50	547	80	14.62
1928....	623	15	2.41	540	85	15.74

---

*No data available prior to 1912.

SOURCES: (1) Dr. John McCampbell, Supt., State Hospital, Morgantown, N. C.

(2) Hospital Records of Admission.

CHAPTER XIII

IN A TYPICALLY WET STATE?

Connecticut is chosen as a typically wet State in which to test the working of National Prohibition, first, because it failed to ratify the Eighteenth Amendment, although it did pass a concurrent law upholding the Volstead Act which is still in force; second, Connecticut is a typical eastern industrial State. In its cities the American stock has been submerged by the wave of immigration from Italy, the Balkans, Russia and Poland. This more recent element has long been accustomed to the unrestricted use of alcoholic stimulants and is proficient in the home manufacture of wine, beer and distilled liquors. Third, Canadian liquor reaches Connecticut, and its coast is well adapted to smuggling. Fourth, during the entire period of National Prohibition the press of Connecticut has actively opposed the application of the Volstead Act, and the prevailingly wet sentiment of the State is influenced by its contiguity to metropolitan New York.

Wet View

Representative wets of Connecticut have no disposition to deny the social and material benefits that came to Connecticut when alcoholic consumption was curtailed under the Food Conservation Act of 1917, but they remind the prohibitionists that it was a war measure, and that the people were sympathetic toward its enforcement and observance.

The wets feel that the people would not have forgotten the lessons learned during the war, and that they would have willingly submitted to the continuance of liquor restriction, and thus more of these advantages would have been retained than are enjoyed to-day.

But they feel that the effort to make these benefits permanent by the Eighteenth Amendment was foredoomed to failure. People who will loyally submit to restriction in their personal and private habits in time of war will revolt against sudden and absolute prohibitive regulations in time of peace.

State Opinion Rejects Prohibition

It is the wet attitude, therefore, that in National Prohibition there have been moral losses that cannot be presented in tables and the surrender of personal and civic liberty that cannot be measured by percentages. Connecticut did not desire either National or State Prohibition. Its Senators and Representatives over a long period of time have almost invariably fought every step that led toward Federal interference by prohibitory law with the habits of its citizens. There has been a constantly growing resentment against the enforcement of the law and an increasing disregard of its injunctions by the ''best'' elements.

Yale University, by a vote of its faculty and students, expressed its hostility to the Eighteenth Amendment and the Volstead Act by a vote of four to one. The heads in important offices of the great insurance companies in Hartford are almost to a man personally opposed to it. So great is the bitterness of Connecticut's leading citizens that many of them who never used intoxicants or allowed them in their homes now use them and serve them; not so much because they have changed their views regarding alcohol, but as an outspoken protest against the restriction of their social rights.

The youth of Connecticut have been quick to follow the example of their elders, and ostentatiously and defiantly drink in public places. Otherwise dangerous and ill-tasting intoxicating beverages have a sweet and forbidden flavor to them. There are residential sections of the elite where liquor refreshments are invariably present at social occasions and where the drinking of such refreshments is a test of class loyalty.

While it is hard to buy good wine, Connecticut is making its own and steadily building up the supply for future years. It is rapidly becoming a state of home brewers. The carefully prepared malt extract with the yeast cake added and directions exactly followed makes a full-strength beer, and the refrigerators of the rich and poor alike are said to be well filled. The bootlegger's prices are high and the quality of his goods not so good, but Connecticut's citizens are willing to pay for it because it is the "price of liberty." As a consequence there are scenes of revelry and debauchery in homes that once were respectable.

Drunken driving, as shown by the increasing number of arrests, is apparently on the increase and it leaves behind it a trail of dead and wounded victims. The law is not enforced and will not be enforced. The legal profession in Connecticut on the whole is bitterly opposed to both the State and the National Prohibitory Law. The hostility naturally appears in the prosecutor and the judge. Flagrant cases of violation are poorly prepared and inadequately presented against a bootlegger with whom the prosecuting attorney is in sympathy and who is, perhaps, his customer.

Hostile Courts and Juries

The judge is often hostile to the law. If he were not so, he would hardly have been recommended by the political organization of his district for his office. But if a court attempts a strict interpretation of the law, juries will not convict. Connecticut's judges have large discretionary powers, and the State's liquor laws establish no minimum penalties. One would not get even a suggestion of the penalties that the statute provides by reading a hundred consecutive decisions. A judge in an important Connecticut court has expressed himself openly as being unwilling to enforce a law that is contrary to public sentiment. A prosecuting attorney in the Superior Court resigned his office because he was ''unwilling to get down into the dirt to enforce the liquor law.'' An important conspiracy liquor case in the Federal Court has loitered for nearly two years in the process of being tried. It involved enormous graft figures and betrayal of trust, but so easy is it to bring up technical and elaborate demurrers that the probability of final decision in this case is remote.

The liquor law has opened a fruitful field for the shyster lawyer. What the court does not assess in fines, the bootleg lawyer collects as a retainer for the next offense. Fees of hundreds and even thousands of dollars displace the jail penalties. The rule is to ''make him pay all you can.'' The heavy penalties provided in the law are simply used to frighten the client and extort his money.

Bootlegging is not wide open and rampant, but Connecticut has developed a system of graft displacing the license fees that formerly went into the State Treasury. This varies, of course, according to the locality. The policeman on the beat must be taken care of, then the police organization, next the politicians that control the police organization. The same sequence follows with the State police and those who control it. After that the Federal graft must be paid out. If an official is not venal, somebody collects it in his name. It is simply impossible for any man to make money by violating a statute without paying directly or indirectly for the privilege.

A Demoralizing Business

When the official grafters are through with the man his neighbors prey upon him under threat of informing the authorities and if the bootlegger still has money left, he has yet to deal with the professional blackmailer, the "hi-jacker" and the "stick-up" man. The demoralization of the business reaches everywhere. Banks that have always had a respectable clientele must deal with bootleggers or lose important and lucrative business to their competitors. Young men who are trying to keep the narrow road of honest, lawful business see men of inferior attainments growing rich in the bootlegging game and are tempted beyond their powers to resist to follow their example. Young men are working their way through college driving rum trucks and consider their lawless doings adventures.

Hence the wets hold that Connecticut has been placed on the wrong track and is headed for the abyss. Its people cannot avoid these evils by a stricter enforcement of the law because they cannot change themselves or public opinion.

It is absolutely necessary for the future security and welfare of the State that somehow a better respect for law be secured. Fearless, upright men must be put into public office and Connecticut's courts must be above reproach, but such attainments are impossible when the State's political parties secure their campaign funds from law violators. Under these conditions, good men cannot receive nomination if they were willing to accept office. The only men who could reform the courts are unwilling to assume office when they know they will be surrounded with an atmosphere polluted with perjury and conspiracy; while they will be helpless to correct these conditions because jurors, who simply reflect public opinion, will not convict. For these reasons the prohibitory law is regarded as a wall built across the road of progress.

DRY VIEW

When Prohibition came to Connecticut it was followed by marked changes in the death rate, commitments for alcoholic insanity, crime rates, high school attendance and other features of the State's social life. The results shown are from the official vital statistics of Connecticut and its reports of jails, state hospitals for the insane, and the Automobile Commissioner. Actual figures are presented covering about twenty years in these departments, with trends and contrasts.

It should be stated that other influences besides Prohibition, such as improved social agencies, education and greater prosperity have helped reduce the death rate and improve social conditions in Connecticut during this period. But they seem inadequate explanations without Prohibition, for the results have come in so short a time and with such pronounced contrasts that they can hardly be attributed to influences that were steadily at work during the whole period.

Reduction in the Death Rate

In considering the tables presented in this chapter, three distinct periods are noted: first, the period of the saloon, 1908-1916—since war restrictions of the sale of liquor did not take effect until September, 1917, and since the larger proportion of that year belongs to the pre-Prohibition period; second, the period of transition, 1917-1919; and, third, the period under National Prohibition, 1920-1928.

Regarding the period of the last ten years of the saloon, there was slight, if any, tendency toward reduction in the death rate of Connecticut. It remained fairly constant at an average of 15.4 per 1,000 population. Yet during this period many agencies were at work and steadily increasing in efficiency in life-saving year by year. The last three years of this period were marked by increasing prosperity due to the war orders received by Connecticut's munition and other industries, which ran at full capacity. A higher standard of living for the working majority should have resulted in a reduced death rate.

Connecticut's death rate during these three prosperous years actually rose. It was a period of unprecedented alcoholic dissipation. Products from the State's breweries increased 100 per cent. and releases from its distilleries increased 25 per cent, as shown by the Federal figures, and commitments for drunkenness in Connecticut's jails rose. Also, tuberculosis increased, deaths from pneumonia rose one-fourth, and deaths by accidents jumped one-half.

Transition Period, 1917-1919

During the years of transition, Prohibition became gradually effective with war-time restrictions on the sale of alcoholic beverages. These were followed by the passage of the Eighteenth Amendment in 1919, and its ratification by forty-six of forty-eight states; later, by the Volstead Act, effective in January, 1920, and, finally, by the Connecticut enforcement code early in 1921.

Death rates during this period were distorted by the influenza epidemic of 1918, which accounts for nearly eight thousand deaths, one-third of the total deaths in Connecticut. Normal figures can-

TABLE 19

DEATH RATES IN CONNECTICUT

(Rates for Alcoholism and Cirrhosis of the Liver based on population of 21 years and over)

YEAR	Death (All Causes) Rate Per 1,000 Populat'n	Tuberculosis Rate Per 10,000 Populat'n	Alcoholism (Acute or Chronic) Rate Per 100,000 Population		Cirrhosis of the Liver Rate Per 100,000 Population	
			Male	Female	Male	Female
1900.....	18.0	16.94	23.54	5.01	24.61	13.97
1901.....	16.2	15.81	26.12	5.96	22.64	14.39
1902.....	15.2	14.41	25.52	3.09	27.56	13.77
1903.....	16.1	14.26	35.26	6.41	23.29	15.54
1904.....	16.1	14.51	31.56	4.97	26.36	15.91
1905.....	16.4	14.68	22.61	3.90	26.43	15.95
1906.....	16.6	13.61	36.78	3.83	25.25	18.86
1907.....	17.1	14.94	30.88	4.39	31.14	13.19
1908.....	15.4	13.40	17.65	3.39	25.43	10.18
1909.....	15.6	13.57	19.65	3.03	24.05	14.56
1910.....	15.7	13.11	22.14	2.38	25.02	14.02
1911.....	15.4	12.80	25.32	3.20	26.45	16.32
1912.....	14.9	12.19	28.92	3.13	23.41	16.53
1913.....	15.0	12.20	32.10	4.45	23.47	15.33
1914.....	15.1	12.52	16.12	2.72	27.75	12.00
1915.....	14.8	12.06	17.87	1.60	25.39	12.01
1916.....	16.2	12.00	21.34	0.78	27.69	10.72
1917.....	15.4	12.93	27.91	2.81	21.18	14.09
1918.....	19.4	12.60	16.38	1.75	22.74	10.80
1919.....	12.5	10.14	10.80	0.73	21.36	9.61
1920.....	13.6	10.34	7.30	0.24	11.31	10.63
1921.....	11.4	8.35	6.25	0.47	13.89	7.35
1922.....	12.0	8.30	*	*	*	*
1923.....	12.0	7.90	*	*	*	*
1924.....	11.3	6.98	19.78	2.02	9.89	4.26
1925.....	11.6	6.51	16.43	1.32	10.81	6.61
1926.....	11.7	6.72	17.86	2.81	12.33	4.12
1927.....	10.4	.....	23.86	1.92	12.77	7.25

* Data not available as yet.

SOURCES: Annual Reports, State Department of Health, Connecticut (52), and Registration Reports, State Department of Health, Connecticut (53).

not be estimated by eliminating deaths from influenza, because many might have died of other ailments. Also, the death rate for 1919 was lower than it would otherwise have been, due to the preceding epidemic.

Death Rate in Prohibition Years, 1920-1927

The death rate fell in 1921 to 11.4 per 1,000, and has maintained an average of 11.7 per 1,000 of population. There has been a gain of 5,000 lives a year due to the difference between the Prohibition and pre-Prohibition rates. That is, 50,000 people of Connecticut are now living who would have died under the conditions of the pre-Prohibition era. The decrease is conspicuous in preventable diseases and in deaths from diseases that are usually associated with alcoholic consumption.

The Food Conservation Act, which restricted the sale of liquor, became effective September, 1917. By comparing 1917, the last partly wet year, with 1921, the first legally dry year in Connecticut, these changes became manifest, since the death rates for these are fairly representative, being close to the average for each period.

The Connecticut death rate from tuberculosis for the period 1920-1926 was about 60 per cent of the rate in 1908-1916; from pneumonia, about 70 per cent, and from accidental deaths about 75 per cent. Deaths from alcoholism and cirrhosis of the liver have notably decreased, and infant mortality by four-fifths of the former rate. Commitments to the Connecticut State hospitals for the insane of patients suffering from alcoholic insanity were less than one-half the former rate.

Virtually identical results are found in comparing the average death rates from these causes for the two entire periods.

Since these changes came about during the years of transition, it is apparent that the chief cause of improvement in Connecticut's death rates emerged during that time, and not before or since then. There is no evidence that other favorable influences that have been steadily active in saving life during the past twenty years were relatively more effective during those three critical years than during any other three years.

In Connecticut there has been an increasing trickle of illicit liquor since Prohibition, possibly enough to counterbalance the increasing efficiency in life-saving of the health, educational and social service agencies, but not enough to increase the death rate. The increase in alcoholic consumption cannot be so large or so toxic as the foes of Prohibition assert.

Indirect Benefits

In Connecticut, Prohibition diverted into legitimate channels of trade sums of money formerly wasted in alcoholic dissipation. Bridgeport has, perhaps, the most diversified industries in the country, its 50,000 wage earners producing some

5,000 commodities. Waterbury, the brass city, nearly as large as Bridgeport, is diversified in its mechanical production. Meriden, with its silverware and cutlery, employs skilled mechanics almost exclusively. Hartford is the insurance center of the United States with thirty-eight home companies, and has large typewriter factories. New Haven, the seat of Yale University, is also the center of the New Haven Railroad system, employing thousands of clerks, besides being a headquarters for manufacture of firearms, hardware and clocks. New Britain is one of the leading metal goods cities of the country. Manchester is a silk center. Stamford produces yearly forty million dollars' worth of manufactured articles. Danbury is a hat city and Bristol, a rapidly developing city, makes machine tools.

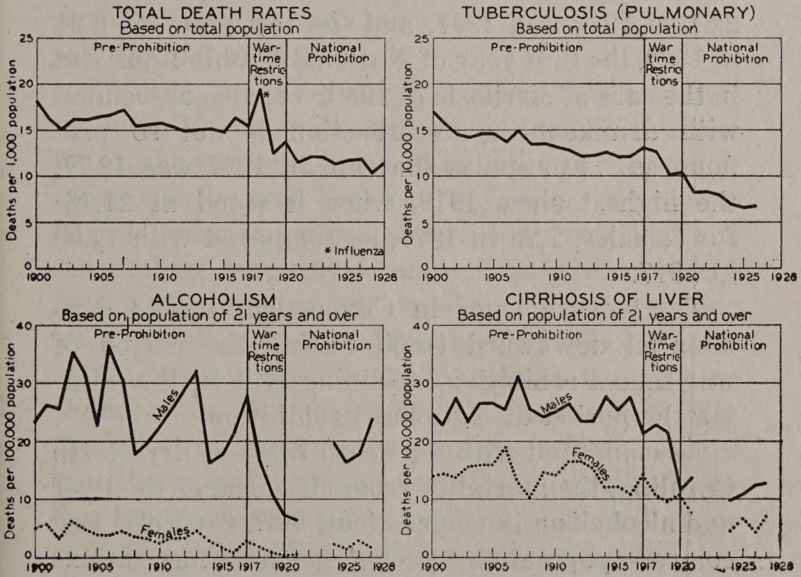
Into this busy State, Prohibition has done its share in bringing orders for useful products to supply new demands from all over the country. If it has been found that the more the alcohol user drinks the fewer are his wants, and the less he produces, the reverse has been true in Connecticut since the emancipation from the saloon; as its people are benefited by increased demands of a saloonless nation. Along with this has come an increased efficiency and productivity. For Connecticut, Prohibition came opportunely. It stemmed the outgoing tide of prosperity that followed the cancellation of war orders, and raised it to a new high level, with an increased standard of living.

Statistical Exhibit—Connecticut

Alcohol is the ally of tuberculosis. The alcohol addict has a low power of resistance. Mortality from tuberculosis did not fall off markedly in Connecticut until 1919, the last year of war-time restrictions; thereafter the decline was rapid, so that in 1926, the last year for which data are

GRAPH 7

DEATH RATES IN CONNECTICUT



available, the rate of deaths from tuberculosis was 6.72 per 10,000 persons, as compared with 12.60 in 1918—a greater shrinkage in deaths during these eight years of restriction and Prohibition than during the preceding eighteen years.

The male death rate from alcoholism, acute or chronic, in Connecticut rose during National Prohibition from the low point of 7.3 per 10,000 persons in 1920 to 23.86 in 1927, the highest since 1917, when it was 27.91. It clearly indicates the reaction against Prohibition among the ''old soaks'' of Connecticut, who have ample and fatal means for satisfying their thirst. The death rate for females was 1.92 in 1927, as compared with 2.81 in 1926 and 1917, and the low point of 0.24 in 1920, the first year of National Prohibition. But in the case of cirrhosis of the liver, also associated with drunkenness, the reaction is not so pronounced. For males the rate in 1927 was 12.77, the highest since 1919, when it stood at 21.36; for females, 7.25 in 1927, as compared with 14.09 in 1917.

Total death rates in Connecticut took a pronounced downward trend during the period of war-time Prohibition, declining still further during the period of National Prohibition.

As compared with the death rates of dry North Carolina, the mortality from cirrhosis of the liver and alcoholism in Connecticut, both for white and colored population, shows greater fluctuations since 1910; but both States reveal a more pronounced downward trend during the periods of war-time and National Prohibition. (See Graph 6 on page 217.)

The table of victims of motor-car accidents for Connecticut, per 1,000 operators, shows shrinkage from 2.61 in 1916, the first year of the ante-Prohibition period, to 1.38 in 1928. Up to the period of restrictive and prohibitory measures the number of victims yearly grew from less than one per 1,000 in 1911 to the 2.61 maximum in 1916. These figures are remarkable in that they include automobile deaths, which have steadily risen in number because of increased use of motor vehicles. But the accidents per 1,000 cars fell off from 3.14 in 1916 to 1.46 in 1928.

Contrary to the general opinion, that an automobile passenger takes more risk than formerly, he actually takes about one-half the risk of being killed that he took before Prohibition. The number of motor vehicles licensed in Connecticut has more than quintupled since 1916. If the 1916 rate had prevailed, the number of accidents for 1928 would have been 1,002 instead of 466.

So far as automobile accidents are due to chance alone they increase in a faster ratio than the increase in cars; for example, when the cars in a community are increased three times in number, the number of times two cars pass each other is increased nine times. Of course, the human ele-

TABLE 20

MOTOR-VEHICLE REGISTRATION, OPERATORS, ACCIDENTS, AND FATAL ACCIDENTS (OR VICTIMS) IN CONNECTICUT

YEAR	REGISTRATION	OPERATORS	ACCIDENTS		FATAL ACCIDENTS (or Victims)		
			Number	Per 1,000 Cars	Number	Per 1,000 Cars	Per 1,000 Operators
1910...	16,372	20,808			33	2.01	1.58
1911...	21,371	26,241			26	1.22	0.99
1912...	26,560	32,423			55	2.07	1.70
1913...	32,790	38,720			68	2.07	1.76
1914...	33,009	39,014			72	2.18	1.84
1915...	43,985	54,073			109	2.48	2.01
1916...	61,855	74,279			194	3.14	2.61
1917...	85,724	98,233			225	2.62	2.29
1918...	92,605	103,657	1,987**	21.4**	209	2.26	2.02
1919*...	109,651	122,619	4,830	44.0	224	2.04	1.83
1920...	133,395	133,527	6,878	51.6	227	1.70	1.70
1921...	141,466	156,467	7,475	52.8	235	1.66	1.50
1922...	161,347	171,471	11,513	71.3	229	1.42	1.33
1923...	189,566	213,388	16,500	87.0	280	1.48	1.31
1924...	224,771	241,686	20,781	92.4	302	1.34	1.25
1925...	262,564	266,599	22,568	85.9	354	1.35	1.33
1926...	272,900	292,253	24,326	88.5	332	1.21	1.14
1927...	296,805	323,805	26,832	90.4	356	1.20	1.10
1928...	319,829	337,623	27,539	86.6	466	1.46	1.38

* Nine months (fiscal year ending Sept. 30, 1910 to 1918; June 30 thereafter).

** No data available prior to 1918.

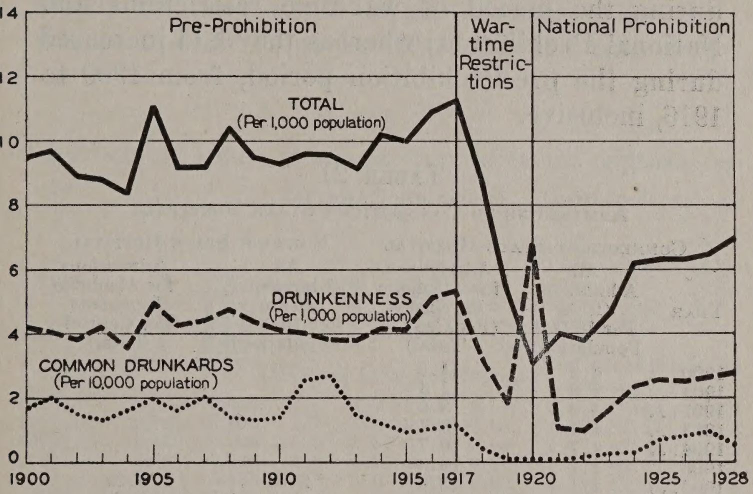
SOURCE: Department of Motor Vehicles, State of Connecticut.

ment enters, so that increased danger is offset among sober drivers by increased skill and caution, and the braking of cars has also improved. It is the moderate-drinking driver who takes the chances. With the records thus showing a falling automobile risk of fatality, charges that drunken motor-car driving is proportionally increasing seem to be grossly exaggerated.

Admissions for alcoholic psychoses, including alcoholic insanity, have pronouncedly declined in

GRAPH 8

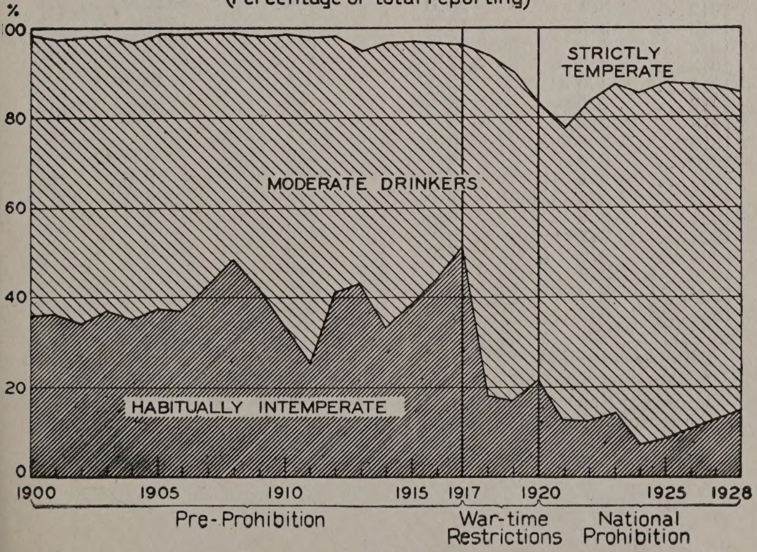
RATES OF JAIL COMMITMENTS IN CONNECTICUT



GRAPH 9

HABITS OF JAIL INMATES IN CONNECTICUT

(Percentage of total reporting)



the Connecticut and Norwich State Hospitals during the period of war-time restrictions and National Prohibition; whereas they had increased during the pre-Prohibition period, from 1900 to 1916, inclusive.

TABLE 21

ADMISSIONS TO CONNECTICUT STATE HOSPITALS

YEAR	CONNECTICUT STATE HOSPITAL All Admissions (Rate Per 10,000 Population)		NORWICH STATE HOSPITAL All Admissions (Rate Per 10,000 Population)	
	All Admissions (Rate Per 10,000 Population)	Admissions for Alcoholic Psychoses (Per Cent of Total)	All Admissions (Rate Per 10,000 Population)	Admissions for Alcoholic Psychoses (Per Cent of Total)
1900...	4.9	11.5		
1901...	4.6	11.3		
1902...	4.6	8.9		
1903...	4.4	13.4		
1904...	4.7	10.7		
1905...	4.7	10.3		
1906...	4.1	12.8	2.6*a*	9.2*a*
1907...	3.8	14.5		
1908...	4.7	14.5	4.1*a*	10.5*a*
1909...	3.4			
1910...	3.3		5.7*a*	13.9*a*
1911...	3.7	16.3		
1912...	3.1	20.0	4.9*a*	12.9*a*
1913...	3.3	19.5		
1914...	3.8	18.7	6.2*a*	14.6*a*
1915...	3.3	17.6	4.0*a*	
1916...	4.0	15.7	3.3	16.3*a*
1917...	4.5	13.8	2.4	
1918...	3.2	8.2	4.3	8.2*a*
1919*..	2.8	9.0	3.1	
1920...	3.4	6.2	3.6	5.8*a*
1921...	4.1	7.3	3.2	6.5
1922...	2.6	7.6	4.6	3.1
1923...	2.5	6.3	4.7	4.2
1924...	3.2	6.9	4.6	4.8
1925...	2.9	7.0	4.9	6.7
1926...	3.9	9.1	4.6	6.9
1927...	3.9	8.9	4.5	7.9
1928...	3.3	10.7	5.2	9.0

---

a Two-year period.
* Nine months.

SOURCES: Reports of Connecticut State Hospital (54) and of Norwich State Hospital (55).

During the saloon period, the table shows a steady rise in the rate of jail offenses; when the wet prosperity came in 1915-1917, the rate rose

TABLE 22

COMMITMENTS TO JAILS IN CONNECTICUT AND HABITS OF PRISONERS

YEAR	Total Commitments	Prisoners Reporting Habits	RATES OF COMMITMENTS FOR:				HABITS OF PRISONERS		
			All Causes	Drunkenness	Common Drunkards	Violation of Liquor Laws	Strictly Temperate	Moderate Drinkers	Habitually Intemperate
			(Rate per 1,000 Population)				(Per Cent of Prisoners: Reporting)		
1900....	8,667	6,435	9.5	4.2	0.17	0.03	1.46	62.64	35.89
1901....	9,042	5,703	9.7	4.1	0.20	0.03	2.49	61.37	36.13
1902....	8,525	5,206	8.9	3.8	0.15	0.04	2.15	63.59	34.24
1903....	8,463	5,246	8.8	4.2	0.13	0.03	1.50	60.77	37.72
1904....	8,170	5,188	8.3	3.6	0.16	0.03	3.08	61.87	35.04
1905*...	11,191	7,229	11.1	4.9	0.20	0.03	1.20	61.33	37.46
1906....	9,278	6,094	9.2	4.2	0.16	0.05	1.23	61.79	36.97
1907....	9,497	6,224	9.2	4.4	0.20	0.02	1.11	55.99	42.89
1908....	10,846	6,910	10.4	4.8	0.14	0.02	1.30	50.27	48.42
1909....	10,074	6,475	9.5	4.4	0.13	0.04	2.10	55.84	42.05
1910....	10,468	9,527	9.3	4.1	0.14	0.02	1.25	65.18	33.69
1911....	10,941	9,992	9.6	4.0	0.25	0.03	2.35	72.23	25.41
1912....	11,089	7,391	9.6	3.8	0.27	0.03	1.88	57.31	40.80
1913....	10,940	7,201	9.2	3.8	0.15	0.02	5.23	51.61	43.14
1914....	12,286	7,813	10.2	4.1	0.12	0.03	3.05	63.61	33.34
1915....	12,499	7,895	10.0	4.1	0.09	0.04	3.09	58.77	38.11
1916....	14,171	9,362	10.9	5.1	0.10	0.03	3.42	52.67	43.93
1917....	15,428	10,436	11.3	5.4	0.11	0.06	3.81	45.01	51.16
1918....	12,367	7,637	8.7	3.2	0.04	0.16	5.84	75.95	18.20
1919....	7,814	4,785	5.3	1.8	0.01	0.08	9.78	73.25	16.96
1920....	4,445	2,804	3.1	6.8	0.01	0.02	16.94	62.91	20.14
1921....	5,777	2,413	4.0	1.1	0.01	0.16	22.00	65.35	12.63
1922....	5,637	3,631	3.8	1.0	0.01	0.43	16.46	71.30	12.22
1923....	6,779	3,254	4.6	1.7	0.02	0.47	12.66	72.98	14.35
1924....	9,266	5,699	6.2	2.3	0.03	0.78	14.45	78.41	7.12
1925....	9,713	5,785	6.3	2.5	0.07	0.64	12.13	79.44	8.41
1926....	9,929	6,001	6.3	2.5	0.08	0.47	12.66	76.58	10.74
1927....	10,409	6,427	6.5	2.6	0.09	0.41	13.02	74.34	12.63
1928....	11,324	7,242	7.0	2.8	0.06	0.37	14.40	70.68	14.91

---

* Fifteen months (fiscal year ending June 30, 1900 to 1904; Sept. 30 thereafter).

SOURCE: Returns of County Commissioners (56).

rapidly, especially in commitments for drunkenness, violation of liquor laws, breach of peace and assault, which comprise about two-thirds of jail offenses. During the transition period, the total of jail commitments fell to about half of the former rate, and even then more than one-third of the prisoners were in jail for drunkenness, and probably half for that cause and offenses allied with it. It is true that, but for liquor, Connecticut's jail would be nearly empty.

The habits of prisoners, as testified by them, have profoundly changed with respect to intoxicants. Whereas only 1.46 per cent claimed to be

TABLE 23

ARRESTS FOR INTOXICATION IN CONNECTICUT

			ARRESTS FOR INTOXICATION		
YEAR	NO. OF CITIES	POPULATION	Arrests	Rate Per 10,000 Population	Index (1913 = 100%)
1910...	10	383,512	4,965	129.46	58.77
1911...	11	469,090	6,521	139.01	63.11
1912...	11	481,527	6,910	143.50	65.15
1913...	12	604,615	13,318	220.27	100.00
1914...	13	633,531	12,698	200.43	90.99
1915...	14	671,396	14,066	209.50	95.11
1916...	14	688,118	20,871	303.30	137.69
1917...	15	715,952	19,008	265.49	120.53
1918...	15	732,873	14,287	194.94	88.50
1919...	16	761,482	7,899	103.73	47.09
1920...	16	779,063	7,844	100.68	45.71
1921...	16	796,648	6,675	83.79	38.04
1922...	16	814,233	8,922	109.57	49.74
1923...	16	831,818	11,865	142.64	64.76
1924...	16	849,403	10,698	125.95	57.18
1925...	16	866,988	11,764	135.69	61.60
1926...	17	913,879	13,389	146.51	66.51
1927...	19	1,002,518	13,826	137.91	62.61
1928...	14	758,311	8,236	108.61	49.31

SOURCE: Data sent by Police Departments to Irving Fisher directly.

strictly temperate in 1900, and only 3.42 in 1916, this percentage has grown to 14.40 in 1928; while those confessing habitual intemperance have decreased from 51.16 per cent in 1917 to 14.91 per cent in 1928. The number of occasional drinkers has grown from 52.67 per cent in 1916 to 79.44 per cent in 1925, whence it has shrunk to 70.68 per cent cent in 1928.

The index of arrests for intoxication in Connecticut, on the basis of 100 per cent in 1913, has diminished from the highest point of 137.69 in pre-Prohibition 1916, to 49.31 in 1928. This is less than 11 points higher than in the ''new broom'' year, 1921.

It appears that wet Connecticut has been unable wholly to retain the gain made during the first ''new broom'' years of National Prohibition. But the State has not returned to the old conditions. Jail commitments for all offenses are far below what they were in the wet years, while commitments for drunkenness are more than two-fifths less than during the last years under license. In Connecticut the old-time tramp is almost extinct, commitments for vagrancy having shrunk five-sixths.

CHAPTER XIV

IN THE NATION'S CONSUMPTION OF ALCOHOL?

Portions of a paper not yet published, by John C. Gebhart, Secretary of the Association Against the Prohibition Amendment, and giving the most recent wet estimate of the annual consumption of beverage alcohol in the United States, were read by Mr. Gebhart at the annual meeting of the American Statistical Association in Washington on December 27, 1929. Mr. Gebhart's estimate of liquor consumption seems to us chiefly valuable as discrediting, coming from the wet side itself, the astonishing astronomical figures of Mr. Hugh F. Fox, Secretary of the United States Brewers' Association.

Mr. Fox had set the annual consumption of spirits for 1926 at 251,000,000 gallons, as against Mr. Gebhart's estimate of 180,000,000 gallons, which is itself, in turn, thirteen times the 14,000,000 gallons estimated by Robert E. Corradini, Research Secretary of the World League Against Alcoholism.

In respect to beer, Mr. Gebhart sets an annual maximum of 650,000,000 gallons and a minimum of 425,000,000 gallons consumed, as against Corradini's estimate of 325,000,000 gallons. In regard to wines, Gebhart's estimate is 150,000,000 gallons annually as against Corradini's 48,000,000 gallons, which is less than one-third as much.

Mr. Corradini's estimate, as opposed to that of Mr. Fox, appears below. Detailed analysis of Mr. Gebhart's paper awaits its publication. Mr. Gebhart admits that "no one knows how much liquor is now being consumed in the United States." But even using Gebhart's figures, it must be far less than before Prohibition, while Corradini's estimate would make it only a small fraction of pre-Prohibition consumption. So far as I know, this estimate is the most painstaking, conscientious and thorough work yet done in this field.

WET VIEW

Mr. Fox estimates in *The Periscope* (30) the annual consumption of alcohol in the United States for the year ending June 30, 1926. As a basis for his comparisons, Mr. Fox goes back to June 30, 1918, "prior to any Federal restrictions upon the consumption of alcoholic beverages." He then publishes the subjoined table which represents his estimate of total alcohol consumption; from this he arrives at an estimated consumption by the nation in terms of "actual" alcohol on a per-capita basis. The data table embodies certain corrections made by Mr. Fox himself in a pamphlet forwarded to Irving Fisher directly, and thus differs materially from the table in the pamphlet which Mr. Fox published originally.

TABLE 24

Estimate by Hugh F. Fox

ESTIMATED CONSUMPTION—YEAR ENDED JUNE 30, 1926

	Total Consumption (gals.)	*Per Capita Consumption (gals.)	Per-cent of Alcohol	Total Consumption of actual alcohol (gals.)	*Per Capita Consumption of actual alcohol. (gals.)
Malt liquors (not including Cereal Beverages)	910,168,835	8.27	5	45,508,441	.234
Wines............	156,602,197	1.42	12	18,792,252	.170
Distilled Spirits....	251,142,354	2.28	45	113,014,035	1.027
	1,317,913,386	11.97		177,314,728	1.611

*Based on 110 millions of population.

From this table Mr. Fox deduces conclusions as follows:

> If this is approximately correct, it means that the net result of National Prohibition has been to more than double the beverage use of spirits, treble the wine consumption, and eliminate two-thirds of the former consumption of malt liquors. No attempt has been made to estimate the consumption of apple-jack and hard cider.

Rejects "American Brewer" Estimate

Mr. Fox notes the estimate of home-brewed malt liquors made by the American Brewer—an estimate of 28,000,000 barrels of "home-brew," figured on the basis of malt extract production in 1925. Of this malt-extract production, which was 483,000,000 pounds, 10 per cent is allowed for the baking trade. As it fails to allow for the "very uncertain factor of the amount of malt extract which is used for other than brewing purposes, such, for instance, as distilling," Mr. Fox rejects this total as excessive. His own estimate is worked out on a basis of the hop crop.

Estimate Based On Hop Crop

As "probably 99 per cent of all hops find their way into the beer kettle," Mr. Fox says, and as the 1925 crop was harvested in September, he uses the data for this crop, together with the stock of hops carried over from the previous season, for calculation of all malt beverages produced during the fiscal year ended June 30, 1926. To this he adds hop imports for the fiscal year ended June 30, 1926, and the supplies carried over by retail stores and cereal-beverage manufacturers. From the total available supply of 40,916,423 pounds of hops, he deducts exports, cereal-beverage production, and the quantity used for other than brewing purposes, arriving at a balance of 22,020,214 pounds of hops. This he allocates to the illicit beer made for commercial purposes and the beer made in private families, allowing three-quarters of a pound of hops to the barrel.

By adding an estimated 3,000,000 gallons of smuggled beer, the estimate amounts to 910,168,835 gallons. In estimating the beer production, Mr. Fox has taken for granted that the following went into the beer kettles: (1) the complete 1925 hop crop, (2) all hops carried by growers and dealers from previous crops, (3) all imports, (4) an estimated three-months' supply in the hands of manufacturers, and (5) an estimated one month's stock in the hands of the retailer. The subjoined table gives the exact data quoted by him in his estimate.

TABLE 25

Estimate by Hugh F. Fox

THE HOP PRODUCTION

(1) 1925 Hop Crop—155,000 bales at 185 lbs. per bale		28,675,000 lbs.
(2) Carried over by growers and dealers from previous crops—50,000 bales at 185 lbs. per bale (estimated)		9,250,000 lbs.
(3) Imports—fiscal year ended June 30, 1926		581,009 lbs.
(4) Carried over by cereal beverage manufacturers, estimated at three months' supply		910,414 lbs.
(5) Carried over by retail stores—about one month's stock (estimated)		1,500,000 lbs.
Total available supply		40,916,423 lbs.
Less Exports—fiscal year ended June 30, 1926	15,004,547 lbs.	
Cereal Beverage production to June 30, 1926, 4,855,550 barrels at three-quarters lb. per barrel	3,641,662 lbs.	
Quantity used for other than brewing purposes	250,000 lbs.	
		18,896,209 lbs.
Balance		22,020,214 lbs.

Mr. Fox estimates that the consumption of wine has trebled during National Prohibition. He says:

> Apart from the fact that grapes can easily be converted into wine, the method of home

> wine-making is simplified by the concentrated grape juice extracts which are put up by a number of enterprising wineries. . . . Home-brewing and home-distilling are both illegal, but by a significant provision in the prohibition regulations, individuals are expressly permitted to make two hundred gallons of "non-intoxicating fruit juices" for their own use.

Prior to 1919, Mr. Fox finds, the wine-grape acreage of California was 97,000 acres; in 1926, it had grown to 680,796 acres, of which 174,374 acres were in wine grapes, 151,393 acres in table grapes, and 354,828 acres in raisin grapes. For the United States as a whole, carload shipments of grapes increased from 41,310 cars in 1920 to 80,421 cars in 1925. The shipments of the 1925 California crop totaled 75,858 cars, of which, he says, 80 per cent were juice grapes and 20 per cent were table grapes.

Allowing 50 per cent for the table use of table grapes from California and of the grape crop from all other States, Mr. Fox estimates that juice grapes, table grapes, small fruits and berries, home-grown grapes, dandelions, rhubarb, and so on, together with wines removed from bond for medicinal and sacramental purposes and imported or smuggled, amounted to 156,602,247 gallons.

The subjoined table, taken from his published study, represents the Fox estimate of wine produced and consumed.

TABLE 26

Estimate by Hugh F. Fox

WINE CONSUMPTION

Grape shipments from California 1925 crop were 75,858 cars, of which eighty per cent were juice grapes and twenty per cent table grapes. (Market News Service—United States Department of Agriculture—July, 1926.)

Juice grapes—60,687 cars at twelve and one-half tons—758,587 tons. These will give 150 gallons of juice per ton	113,788,050 gals.
Table grapes—15,171 cars. Deduct 50 per cent for table use (which is liberal), and we have for wine purposes 7,585 cars at twelve and one-half tons per car—94,812 tons—which will produce 100 gallons of juice per ton	9,481,200 gals.
Estimated grape crop in all the other states—286,162 tons. Allow half of this for table purposes, and estimate the juice yield on the balance at only 125 gallons per ton	17,885,125 gals.
Estimated juice grape consumption in California, including truck-shipments to neighboring States, at one and one-half gallons per capita, to the estimated population	6,474,675 gals.
Estimated production of U. S. from small fruits and berries, home-grown grapes, dandelions, rhubarb, etc	3,000,000 gals.
Wine removed from bond for medicinal and sacramental purposes	4,973,197 gals.
Wines imported or smuggled—estimated	1,000,000 gals.
Total	156,602,247 gals.

Adopts Buckner Figures as Basis

After modifying somewhat the estimate of Emory R. Buckner (29), former United States District Attorney at New York City, that 60,000,000 gallons of industrial alcohol were diverted to illegitimate uses in 1925, Mr. Fox adopts it as a base—notwithstanding the fact that these figures were later reduced to 34,000,000 gallons by Mr. Buckner himself, in a memorandum to the Senate

Committee (29), and that Dr. J. M. Doran, then Chief Chemist of the Bureau of Internal Revenue, estimated the diversion for beverage purposes at from thirteen to fifteen million gallons. Mr. Fox comments on the steady annual increase of industrial alcohol production, rising from 3,084,950 proof gallons in 1907 to 93,762,422 gallons in 1917, until after the war it slumped to 45,640,948 gallons in 1920. He adds:

> After that, something happened; at any rate, the amount of ethyl alcohol withdrawn for denaturation reached the huge total of 191,670,107 proof gallons in 1926.
>
> After the advent of Prohibition, there developed thirty special denaturing plants. According to the testimony of General Andrews on April 6, 1926, before the U. S. Senate Committee, these thirty plants ''are nothing more or less than bootlegging organizations, because they give opportunities for diversion'' (29).

Taking this evidence and the fact of considerable diversion by ostensible vendors of industrial alcohol who cater to bootleggers, together with the fact that the Executive Secretary of the Industrial Alcohol Manufacturers' Association estimates that the industry represents an investment of nearly half a billion dollars, Mr. Fox concludes that it ''seems reasonable to compute the diversion of denatured alcohol to beverage purposes at 50,000,000 gallons a year.''

Then there is ''moonshine'' liquor. The Prohibition Unit has adopted the policy of ignoring home production entirely, and General Andrews has testified that his agents ''have very little contact with the class of people that individually make small quantities of alcohol in the house, barn or garage, and peddle it.''

The total consumption of distilled spirits for the year ended June 30, 1926, is placed by Mr. Fox at 251,142,354 proof gallons.

The subjoined table, an analysis by Mr. Fox, indicates the sources of supply of distilled spirits upon which he bases his estimated consumption. It must be noted that Fox gives the data in *proof gallons.* If allowance is made for the cutting of the distilled spirits, it would appear that the quantity of distilled spirits actually reaching the market must be—according to these figures—at least *one billion gallons.*

TABLE 27

Estimate of Hugh F. Fox

PRODUCTION AND CONSUMPTION OF DISTILLED SPIRITS

The Distilled Spirits in the table of "Estimated Consumption" comprise the following items:

Medicinal use	1,588,954 proof gals.
Industrial Alcohol—renatured	50,000,000 proof gals
Commercial Moonshine—29,059 distilleries and stills at 50 gallons per week (very conservatively estimated)	75,553,400 proof gals.
Small stills—200,000 at 10 gallons per week	104,000,000 proof gals.
Smuggled spirits	20,000,000 proof gals.
	251,142,354 proof gals.

A Post-Prohibition Increase

Mr. Fox arrives at a grand total of 1,317,913,386 gallons of malt liquors, wines and distilled spirits consumed during that fiscal year. That is a per capita consumption of 11.97 gallons of all alcoholic beverages, or a net per-capita consumption of 1.611 gallons of what Mr. Fox calls ''actual'' alcohol. Contrasted with the foregoing estimated consumption in 1926, he indicates a per-capita consumption of all alcoholic beverages of 15.95 gallons in 1918, with a per-capita consumption of ''actual'' alcohol of 1.036 gallons, showing an increase of 0.575 gallon in the per-capita consumption of ''actual'' alcohol. There was, however, a decrease of 3.98 gallons of all alcoholic beverages consumed from 1918 to 1926.

Criticizing the Fisher estimate of a reduction of *absolute alcohol* consumption in 1926 to certainly less than 16 per cent of pre-Prohibition consumption, Messrs. Darrow and Yarros assert:

> Two rather important sources of illicit consumption of alcohol are completely overlooked by Professor Fisher, as well as by Mr. Corradini—first, the amount diverted not from industrial alcohol, but from medicinal, and, second, the amount diverted from the wines withdrawn on permit for sacramental purposes (2, p. 151).

These authors then quote Dr. A. D. Bevan, Chairman of the Council of the American Medical

Association, that ''more than 99 out of every 100 prescriptions written for a pint of whiskey are bootlegging prescriptions,'' and the Department of Research and Education of the Federal Council of the Churches of Christ in America, that it ''is clear that the legitimate demand does not increase 800,000 gallons in two years; it is probably safe to say that not more than one-quarter of this wine is sacramental—the rest is sacrilegious.'' A recent publication on this subject by the Association Against the Prohibition Amendment contains no new information.

Dry View

The estimate of beverage alcohol consumed, as made by Mr. Fox, does not pretend to be more than a shrewd guess. But it is neither shrewd nor convincing. Mr. Fox as Secretary of the United States Brewers' Association should certainly be qualified to put out an accurate estimate at least on the production of beer. The bases for his estimates, however, are seriously challenged by Mr. Corradini, as follows:

1918 Not Normal Pre-Prohibition Year

(1) Mr. Fox chose the record of consumption in 1918 as a fair pre-Prohibition year basis, because, he states, this was ''prior to any Federal restrictions upon the *consumption* of alcoholic beverages.'' But several considerations show that in

1918 restrictions of alcoholic productions and sales were in force.

(a) Many Federal restrictions had begun to affect seriously both the production and the consumption of alcoholic beverages as early as 1917. Upon American entry into the World War, dry zones were approved as early as May 18, 1917, and put into effect that same year, eliminating by Federal action a large proportion of the drinking population as consumers of beer.

(b) The tax on beer which had been $1.50 per barrel since 1914 was raised to $3.00 in 1917. This increase had the practical effect of boosting the price per glass, or reducing the size of the "schooner," or diluting the product sold over the bar, thus curtailing the actual consumption of *both real beer and absolute alcohol.*

(c) The Lever food bill, in limiting the use of barley and reducing the alcohol content, together with other similar legislative restrictions, certainly had the ultimate effect of reducing the consumption of alcoholic beverages, even if the Federal government did not specifically prohibit the *consumption* of such beverages.

(d) That 1918 is hardly a normal pre-Prohibition year is seen by the fact that the production of beer of 58,564,508 barrels in 1916, increased to 60,729,509 in 1917, but dropped to 50,174,794 barrels in 1918. In fact, the beer production of 1918 was the *lowest* since 1905, when 49,459,540 barrels were brewed. Mr. Fox should have been aware of these facts, as the data relating to production, herein quoted, are taken from the Year Book of the United States Brewers' Association of 1920-21, which is edited by him.

(e) Incidentally, Fox's assertion as to consumption has no application whatever, for the reason that even today, in spite of the Eighteenth Amendment, of the Volstead Act, and even of the Jones Law, there are no laws on the Federal statute books prohibiting or even restricting the *consumption* of alcoholic beverages. While Mr. Fox is technically right in claiming that there were no Federal restrictions upon *consumption* in 1918, it is also technically true that there are none today. The Eighteenth Amendment merely prohibits manufacture, sale, transportation, importation, and exportation, but *not consumption.*

How Much Hops Goes Into the Beer Kettle?

(2) In allotting 99 per cent of hops to the beer kettle, Mr. Fox fails to make a fair allowance both for waste and for amounts of hops used for other than brewing purposes. The extent to which he has gone in fetching hops for his beer kettle is amazing.

(a) *Waste.* Inquiry made reveals from 3 to 5 per cent waste in the handling of hops at the retail stores alone. Hops are such a cheap commodity that in many stores they are not sold at all, but a few ounces are given away with the purchase of one dollar's worth of home-brew supplies. It seems that some stores make a definite allowance of three or more pounds wasted through accidental spilling for every 100-pound burlap bag. Considering the further waste both in the process of baling and while hops are in transit, a 5 per cent loss is probably a safe minimum.

(b) *Hop Products.* That hops are not used for beer-making exclusively is quite apparent from even a superficial perusal of a standard medical dictionary (57) or encyclopedia (58). From hops are extracted lupulin, tannin, and humulin. These are employed as a local anodyne and are used in dyspepsia and other diseases. Lupulin is a dry, concentrated preparation of hops, a sedative and stomatic. As an anodyne, lupulin belongs to the same category with opium, morphine, codein, hyoscin, atropin, coniin, ether, and potassium bromid (57). Besides all this the fluid extract of hops is also used in medicines for its sedative properties and hypnotic effect. Information from one of the leading druggists in America is to the effect that the use of extract of hops has been on the increase since the passage of narcotic laws. These extracts are used by physicians in their prescriptions.

We have no data of the amount of hops used in the preparation of yeast. The Internal Revenue report shows, incidentally, that in 1926 the distillers used not less than 71,508 pounds of hops in the production of distilled spirits.

Hops Used by Home-brewers

(3) *Home-brew.* A still greater error in the Fox calculations is the total hop crop allotted by him for the home-brewer. In the subjoined table is reproduced the Fox estimate of beer production, correcting the items in a parallel column, and giving the sources of the corrected figures.

A close analysis of this table will show that, according to Mr. Fox, at the end of 1926 not only had the whole of the hop crop of 1925 wandered into the beer kettle, but apparently *every ounce on the shelves* in the country had gone the same way. He *estimated* what the growers and dealers carried over from previous crops; he *estimated* a three-months supply in the hands of cereal beverage manufacturers; and he also *estimated* the stock carried by retail stores for one month. To these *estimates* he added the complete imports and allotted the grand total to his mythical beer kettle.

(a) We find a discrepancy in favor of Mr. Fox in the total hop production of 1925.

(b) If 9,250,000 pounds of hops were carried over from previous crops, would it not be logical to assume that a certain amount of the 1925 crop would be carried over for use in future years?

(c) Apparently the figure which shows the imports is the only figure which we have been able

TABLE 28

CORRECTING THE FOX ESTIMATES OF HOPS AVAILABLE FOR BEER PRODUCTION

	Fox Estimate	Corrected Estimate
Production (1925 hop crop)	28,675,000 lbs. (30, p. 3)	28,573,000 lbs. (59, 1926, p. 996)
Carried over by growers and dealers from previous crops (estimated by Fox)	9,250,000 lbs. (30, p. 3)	....
Imports (fiscal year ended June 30, 1926)	581,009 lbs. (30, p. 3)	581,009 lbs. (59, 1926, p. 996)
Carried over by cereal beverage manufactures (estimated by Fox)	910,414 lbs. (30, p. 3)	....
Carried over by retail stores (estimated by Fox)	1,500,000 lbs. (30, p. 3)	....
Total	40,916,423 lbs. (30, p. 3)	29,154,009 lbs. ....
Less exports (1926)	15,004,547 lbs. (30, p. 3)	15,173,253 lbs. (59, 1929, p. 996)
Used by brewers (cereal beverages)	3,641,662 lbs. (30, p. 3)	3,425,566 lbs. (49, 1926, p. 160)
Probable Waste	....	5% total crop (estimated) 1,433,750 lbs.
Used by Distillers	....	71,508 lbs. (49, 1926, p. 158)
Quantity used for other than brewing purposes	250,000 lbs. (estimate)	250,000 lbs. (estimate)
Total	18,896,209 lbs.	20,354,077 lbs.
Leaving remainder, Hops unaccounted for	22,020,214 lbs. (estimate)	8,799,932 lbs. (estimate)
Possible or Probable beer production:		
(a) Breweries legal sales	not taken into account	146,995,162 gals. (49, 1926, p. 161)
(b) Possible or probable illegal beer produced. Home-brew	910,168,845 gals.	178,299,259 gals.
Total	910,168,845 gals.	325,294,421 gals.
Absolute alcohol content in:		
(a) Cereal beverages (½ of 1% alcohol content)	not taken into account	734,975 gals.
(b) Possible or probable illegal beer production	45,508,441 gals. (1)	6,240,474 gals. (2)
Total absolute alcohol consumed in beer	45,508,441 gals.	6,975,449 gals.

(1) Alcohol content 5 per cent.
(2) Alcohol content 3.5 per cent.

to check in the reports of the Department of Agriculture or the reports of the Internal Revenue Department.

(d) If the cereal-beverage manufacturers and the retail stores carried into the fiscal year of 1926 a certain amount of supplies from previous crops, they certainly must have carried some of the 1925 crop and imports over into the next fiscal year.

Again, Mr. Fox estimates the alcohol content of home-brew at 5 per cent. This estimate is quite arbitrary; no evidence is submitted that there is a scientific basis for it. Our information from the chief chemist of the New York laboratory of the Internal Revenue Department is that the samples of home-brew confiscated in the New York metropolitan area contain between 3 and 4 per cent of absolute alcohol. We have therefore taken 3.5 per cent as the average alcohol content of home-brew.

For 1926, this table shows that Mr. Fox has allowed 168,706 pounds less for imports than are reported in the Yearbook of the Department of Agriculture for 1926. He has over-estimated in his favor, by 216,096 pounds, the amount of hops used by cereal-beverage manufacturers. In allowing 250,000 pounds for all other purposes, we believe he has made an error in his favor of at least one and one-half million pounds of hops. This is on the assumption that about 5 per cent of the hop crop (not considering the imports) has been lost through waste; also that 71,508 pounds have been used by distillers, and that the 250,000 pounds allowed by Mr. Fox for other than brewing purposes just about cover the amount used in the manufacturing of yeast and medicinal supplies, and for all other purposes.

This will reduce the amount of hops unaccounted-for in the Fox estimate from 22,020,214 pounds to about 8,799,932 pounds. His unaccounted for quantity of hops Mr. Fox has thrown into the beer kettle, and, according to his estimate, they produced 910,168,835 gallons of illicit beer. Again, based on his own calculations, this flood of beer contained approximately 45,508,441 gallons of absolute alcohol.

Mr. Fox has failed to mention that three and one-half million pounds of hops used by cereal-beverage manufacturers yielded for sale 146,995,162 gallons of beer produced legally—to be sold with an alcohol content of not more than one-half of one per cent—or a total alcohol content of about 734,975 gallons.

Mr. Fox is not justified in his assumption that the home-brewer can produce as much home-brew with a given quantity of hops as a brewer with all modern equipment. Our information regarding this comes from Mr. E. Clemens Horst, whose stationery for years proclaimed him as the world's largest hop-grower. Mr. Horst's estimate is that breweries consume 51/100 of a pound of hops in the production of one barrel of beer. From his experience he bases the amount of hops used by the home-brewer at twice as much as that used by the brewer. To this Mr. Horst adds one-third to represent waste on the part of the home-brewer. In short, the home-brewer, according to Mr. Horst, uses three times as much hops as a cereal-beverage manufacturer.

If the hop supply is to be used as a basis for estimating the amount of beer consumed in the United States, then we would favor adopting the following formula:

To the total hop crop should be added the imports. From this total should be deducted the hops exported, also about 5 per cent of the hop crop lost through waste, etc., and 1 per cent allotted to other than brewing purposes. From the residue should be deducted the amount of hops used by cereal-beverage manufacturers—a definitely known quantity—also the amount used by distillers.

The amount of beer brewed and sold legally is definitely known. The unaccounted-for quantity of hops could be allotted completely to the home-brewing and illegal brewing. Two items would have to be ascertained: (1) the amount of high-powered beer diverted by breweries licensed to make one-half of one per cent beer, and by the few breweries operating without licenses, and (2) the amount of beer smuggled into the United States.

TABLE 29

ESTIMATE OF PROBABLE CONSUMPTION OF MALT LIQUORS IN THE UNITED STATES

(Estimate of Robert E. Corradini, Research Secretary of the World League Against Alcoholism.)

Year	Malt Liquors[1] (1000 gals.)	Absolute Alcohol Content[2] (gals.)	Estimated Per Capita Consumption of Absolute Alcohol[3] (gals.)
1900	1,222,387	51,951,452	2.03
1901	1,259,060	53,510,054	2.03
1902	1,382,369	58,750,691	2.18
1903	1,450,308	61,638,103	2.23
1904	1,499,378	63,723,573	2.25
1905	1,538,526	65,387,380	2.25
1906	1,700,421	72,267,901	2.43
1907	1,822,313	77,448,324	2.55
1908	1,828,732	77,721,127	2.50
1909	1,752,634	74,486,962	2.35
1910	1,851,666	78,695,830	2.43
1911	1,966,911	83,593,747	2.54
1912	1,932,531	82,132,576	2.46
1913	2,030,347	86,289,764	2.55
1914	2,056,407	87,397,302	2.55
1915	1,855,524	78,859,783	2.27
1916	1,818,275	77,276,687	2.20
1917	1,885,071	80,115,530	2.25
1918	1,553,544	66,025,654	1.83
1919	852,977	36,251,531	.99
1920	281,897	11,980,635	.32
1921	363,355	17,131,972	.45
1922	251,210	11,789,206	.31
1923	197,229	9,388,214	.25
1924	198,484	9,197,984	.23
1925	314,410	13,336,438	.34
1926	382,161	15,580,569	.39
1927	380,359	15,369,169	.38

Fiscal year ending June 30.

Notes:

[1] The data of Malt Liquor consumption from 1900–1920 are taken from the United States Statistical Abstract (60, 1922). The data from 1921, on, represent malt liquors produced legally and withdrawn for consumption plus malt liquors *which might* have been produced by unlicensed breweries and home-brewers. The quantity is based on the probable production from hops otherwise unaccounted for. In estimating the possible production from hops we have used the method outlined in the text, taking productions of hops less

probable waste, plus imports; from this we have subtracted hops used by brewers, distillers, and for all other purposes. We have no proof that the balance of hops has gone into beer making; we are conceding, however, that the whole balance of that crop went that way.

[2] In estimating the amount of alcohol consumed we have calculated the average alcohol contents of malt liquors to be 4.25 per cent by volume, for the years 1900 to 1920. Since then we have had two quantities; (a) cereal beverages legally produced estimated at one-half of one per cent alcohol by volume (rather high) and (b) quantities which might have been produced from unaccounted-for amounts of hops. To the latter we have attributed a hypothetical amount of alcohol of 3.5 per cent by volume.

[3] The per capita consumption of absolute alcohol has been distributed over the male population of 15 years of age and over. This was done for two purposes: first, we believe it to be a fairer distribution covering the preponderant majority of the drinking population; second, the leading European investigators have accepted this, and therefore it is possible to compare these data with similar calculations of alcohol consumption in European countries.

From this we might obtain the probable amount of beer produced—legally and illegally. The number of gallons of beer confiscated by the Federal and State authorities should then be deducted from this amount.

To our estimate we have not added a hypothetical amount of beer smuggled into the United States, neither have we, however, deducted the amount of cereal beverages, mash, etc., confiscated by the Federal authorities. Mr. Fox estimates the smuggled beer at about three million gallons; whereas the quantities of malt liquors confiscated by the Federal Government have varied from 4 to 14 million gallons; besides, the mash confiscated has mounted from 8 to 26 million gallons.

Fox Estimate of Wine Consumption

While Mr. Fox states that there has been an enormous increase in the consumption of wines in the United States, yet he submits no evidence which can be accepted by impartial investigators after scrutiny. The statistical data submitted, though given with many quotations of official reports, including the page number, do not bear close analysis.

We have reproduced the alleged estimate of wine consumption submitted by Mr. Fox. In his estimate of grape shipments from California (1925 crop) Mr. Fox reports 758,587 tons of "juice-grapes." To these he adds 94,812 tons of table grapes, or 50 per cent of the total production, as having been diverted for home wine-making purposes. The "juice-grapes" and table grapes shipped in car loads, according to Mr. Fox, were, for the State of California, 948,211 tons or 1,896,422,000 pounds. However, for the year 1925, the official records of the United States Department of Agriculture would indicate a production in California of 395,000 short tons of wine grapes and 339,000 short tons of table grapes. This then would indicate an over-estimate in favor of Fox of 214,211 tons of wine and table grapes.

Fox's estimate is rather jumbled, as he is dealing in car-load shipments instead of measures of production. However, Mr. Fox himself does not seem to make a great distinction between shipments and production, if we are to draw an inference from his inclusion of an "estimated grape *crop* in all other states" as one of the seven items embraced in his grand total. It is rather hard to explain why he had to resort to car-loading and truck shipments when the United States Government issues figures of total *production* of grapes in the United States and in California which undoubtedly produces most of the grapes. While he does not state that the foregoing data are for California alone, we are bound to make this assumption, as his next estimate gives a production of 286,162 tons, which he calls the ''grape crop in all the other states.''

Instead of estimating the amount of grapes transported by cars or trucks, he could have given the exact number of tons produced. Instead of estimating the crop outside of California, he could have given the exact number of tons. He estimated this last amount to be 286,162 tons and by this estimate allotted to the states outside of California 134,077 tons of grapes more than were produced, according to United States Yearbook of Agriculture. Moreover, his estimate of the ''juice-grapes'' and table grapes of California origin which went into wine-making—without quibbling whether 50 per cent of the table grapes went that way or not—indicates an overestimate in favor of Mr. Fox of 288,899 tons for this state alone, or not less than 577,798,000 pounds of grapes more than can be accounted for.

This enormous quantity of grapes, as etimated by Mr. Fox, cannot be accounted for except by adding to the production of wine grapes and table grapes a third item, namely, the production of raisins; however, Fox himself explicitly states, “The following figures do not include any raisin grapes, and are therefore probably below the mark.” And yet, he calls this estimate a “con-

TABLE 30

GRAPES: ESTIMATED COMMERCIAL PRODUCTION IN CALIFORNIA, BY CLASS, 1899–1928

Year	Wine		Table		Raisin		Total
	1000 short tons	% of total	1000 short tons	% of total	1000 short tons	% of total	1000 short tons
1899	236	60	13	3	143	37	392
1900	232	53	12	3	189	44	433
1901	379	70	14	3	148	27	541
1902	380	62	15	2	216	36	611
1903	314	54	27	5	240	41	581
1904	328	64	22	4	160	32	510
1905	370	64	24	4	180	32	574
1906	423	65	31	5	200	30	654
1907	462	57	52	6	300	37	814
1908	478	60	57	7	260	33	795
1909	490	57	88	10	280	33	858
1910	489	60	74	9	250	31	813
1911	549	61	96	11	260	28	905
1912	462	49	95	10	380	41	937
1913	459	56	95	11	264	33	818
1914	497	50	132	13	364	37	993
1915	342	34	134	13	512	52	988
1916	507	43	136	11	528	46	1,171
1917	441	35	161	13	652	52	1,254
1918	343	29	173	14	668	57	1,184
1919	400	30	200	15	730	55	1,330
1920	375	30	166	13	732	58	1,273
1921	310	28	163	15	627	57	1,100
1922	450	26	213	12	1,043	62	1,706
1923	428	21	312	15	1,290	64	2,030
1924	350	23	325	21	860	56	1,535
1925	395	21	339	18	1,178	61	1,912
1926	414[a]	20	383	18	1,317	62	2,114
1927[b]	473	21	348	15	1,443	64	2,264
1928[b]	472	21	385	18	1,321	61	2,178

(*a*) It is estimated that 32,000 tons of table grapes and 20,000 tons of wine grapes (fresh basis) were dried and are included in the above figures. In 1924 and 1925 lesser amounts of table and wine grapes were dried, which are also included in those years. In addition to above figures (1922–24) it is estimated that 15,000 tons of grapes were not harvested in 1926, compared with 138,000 tons in 1925.

(*b*) Preliminary.

Data on raisins are converted to a fresh basis by using one ton of dried raisins as equivalent to 4 tons of fresh fruit. Data from 1920 to date also include raisin grapes consumed in fresh form.

Per cent of totals derived from sources by calculation.

Source: Yearbook of Agriculture, 1927; 848, Table 145, Extract from Bureau of Agricultural Economics, Calif. Col. Agr., Bull. 429:30, Calif. Coop. Crop. Reporting Service.

servative estimate of the present wine consumption.''

An additional estimate of about 6½ million gallons of ''juice-grape consumption in California, including truck shipments to neighboring states, at one and one-half gallons per capita'' without any apparent foundation in fact is too extreme to deserve comment.

We should like to have some real facts to justify his estimate of 3,000,000 gallons of wine produced ''from small fruits, berries, home-grown grapes, dandelions, rhubarb, etc.'' We should also like to know the basis for his estimate of 1,000,000 gallons of wine imported or smuggled.

Some dark and mysterious motive has been attributed to the authors of the first edition of this book because the grape exports were given in pounds and the grape production in tons. The data were reported exactly as received from the United States Department of Agriculture—some of the data being given in tons, the other in pounds. In this book, however, we have given both items in the same unit.

If the Fox estimate of wine consumption for 1926 cannot be accepted as accurate, what shall we substitute? There are several considerations which must be taken into account in estimating the probable or possible wine consumption since Prohibition. Accurate statistics are available for California. These give the grape production subdivided into production of wine grapes, table grapes, and raisin grapes. (See Table 30.) For the latter item we have also a further analysis of the amount of raisin grapes sold fresh and the amount dried.

Over a period of years it appears that California has produced between 86 and 92 per cent of all the grapes in the country, averaging about 90 per cent. Outside of California, the State of New York is probably the next largest producer, with Michigan, Pennsylvania and Ohio producing amounts which together approximate the New York production. From these latter states, however, especially New York, come Concord grapes used almost exclusively in the making of grape juice. In estimating the United States grape production, we are justified in assuming—based on these facts—that the California production is about 90 per cent of the total.

Wine Grapes

There is no question but that the wine-grape production is used almost exclusively for wine-making. As a nation we have never been great wine users. Most of the wine making is restricted to our foreign population, especially to that of Latin origin. Most of our native population with a taste and desire for the "better" wines are in a position—financially—to buy the goods and will not bother with wine making. If the number of families or individuals making wine for home consumption is materially increased, it would follow that there has been a not inconsiderable increase in the waste during the process of wine making. This would be so especially in our alien cosmopolitan centers where tenement houses are not as suitable for wine making as a farm or privately owned home with a backyard or even a basement. It would make little difference were we dealing with a few families, but when these wine makers are multiplied by the thousands this waste is not inconsiderable.

In estimating the wine production, we are allocating the complete wine-grape crop of California, assuming this to be only 90 per cent of the total United States wine-grape production, and are adding for the rest of the country an estimated amount, as no official figures are available.

Some people have been rather concerned about *enterprising wineries*—as Mr. Fox calls them—which are selling unfermented juice of grapes—a legal product but which, if instructions are followed, will ''come of age.'' One of these wineries in its recent literature (August, 1929) claims to be owner of one of the largest and finest vineyards in America. This recent literature gives prices in 10-, 15-, 25-, and 50-gallon lots. Besides this it claims ''many of our 3,000 customers. . . .'' This would indicate a rather restricted market if they have only three thousand customers and are dealing in 10- to 50-gallon lots instead of having tens of thousands of customers and dealing in car loads.

Our information is to the effect that wine grapes are sold in the East in boxes of 25 to 26 pounds which quantity will produce from 1¾ to 2 gallons of wine. This is the maximum production by expert home wine-makers. In Table 30, which gives the production for California, we have also shown the percentage of each kind of grape produced. It appears that the wine-grape production, which was 60 per cent of the total in 1899, stayed at about the same level up to 1913. Since then it has decreased considerably. In recent years its production has been roughly about one-third of the percentage of total production.

Table Grapes

Both in California and in the rest of the country there has been an increase in the production of table grapes. The increase in California has been from 12,000 tons in 1900 to 132,000 tons in 1914, with a further increase to about 350,000 tons in 1927. Of course some will attribute this increase to Prohibition, claiming that these grapes have been used for home-wine production. Undoubtedly some table grapes are being used for the production of wine. Mr. Fox, however, has given no supporting data for his assumption that

50 per cent of the table grapes produced go into wine making.

If the production of wine has been decentralized from big wineries to home production, it follows that there must have been a tremendous increase in the waste also. It is not logical to assume that the home operator, especially in the cities with limited facilities, can produce as much wine from a given quantity of grapes as a manufacturer. Mr. E. Clemens Horst has shown that the home-brewer uses three times as much hops as the commercial brewer does in producing the same amount of beer. We do not, however, have any first-hand evidence that this ratio holds in the wine manufacturing.

Would it be unreasonable to assume that the use of table grapes for wine production has been offset by the increased waste in the use of wine grapes, considering not only the waste in the actual process of making but the waste in transit, especially in the Eastern cities where carloads of grapes arrive in a rather advanced state of decomposition? Any one who has watched the unloading or seen the cases stacked up in the market can testify to the poor condition in which some of these grapes arrive.

We wonder if the increased production of table grapes has not gone almost exclusively for food consumption. Since 1919 the increase has been 75 per cent in the California production of table grapes. For the same period the increase in California production of grapefruits has been almost 175 per cent. There is no such corresponding increase in the production of apricots, peaches, pears, and other fruits, but then there has been a considerable amount of advertising of grapefruits as well as raisins. The knowledge of the value of vitamins in oranges and grapefruits probably has helped increase the consumption. A great deal has been said about the food value of grapes while very little advertising seems to have been done for peaches, pears or prunes.

Raisin Grapes

In the grape production as a possible source of legal or illegal wine Fox claims to have completely ignored the raisin-grape crop and because of this he thinks his estimate ''probably below the mark.'' The raisin production in California has increased from 143,000 tons in 1899 to 1,400,000 tons in 1928. This increase has taken place especially within the last 10 or 15 years. In 1919 the production was 730,000 tons; it has almost doubled since then. The question is, of course, how much of this increase has gone into wine production. We are all familiar with the full-page advertisements in many of our leading magazines extolling the many good qualities of raisins. These advertisements are not only by raisin-growers but by bakers and candy manufacturers. *Editor and*

Publisher of August 10, 1929, lists the Sun-Maid Raisin Growers of California as having spent $413,750 during 1928 for advertising in magazines alone. Besides this we have seen bill boards on our highways everywhere advertising raisins and raisin products.

In a survey made to ascertain some definite uses of raisins we found that a New England chain-store concern, operating 1,700 retail stores and making their own bread, use not only raisins in their raisin bread but raisin syrup in other breads. One cracker company on the Pacific coast uses 1,500 pounds of this raisin syrup every week. There are many cereals on the market which use raisin products, syrup or raisin or both. Chocolate-coated raisins and raisin bars are used extensively.

Professor B. H. Hibbard recently stated in *The Annals* of the American Academy of Political and Social Science: ''The raisin people taught the world how to sell a larger quantity by taking a carload to the city sidetracks and at the same time advertising liberally the qualities of raisins.'' There is no doubt that there has been a legitimate increased demand for raisins. Besides this, there has been an unprecedented increase in the exports of this commodity; the net export for 1926-27 was over ten times that of 1913-14.

For California the raisin grape production is given in both fresh and dried form. In a telegram to Irving Fisher, September 25, 1929, A. G. Arnoll, Secretary of the Chamber of Commerce of Los

TABLE 31

ESTIMATE OF PROBABLE CONSUMPTION OF WINE IN THE UNITED STATES

(Estimate of Robert E. Corradini, Research Secretary of the World League Against Alcoholism.)

Year (fiscal)	Wine (gals.)	Absolute Alcohol Content (gals.)	*Estimated Per Capita Consumption of Absolute Alcohol (gals.)
1900	29,988,467	4,198,385	0.16
1901	28,396,520	3,975,512	0.15
1902	49,763,920	6,966,948	0.26
1903	38,238,818	5,353,434	0.19
1904	43,311,217	6,063,640	0.21
1905	35,059,717	4,908,360	0.17
1906	46,485,223	6,507,931	0.22
1907	57,738,848	8,083,438	0.27
1908	52,121,646	7,297,030	0.23
1909	61,779,549	8,649,136	0.27
1910	60,548,078	8,476,730	0.26
1911	63,859,232	8,940,292	0.27
1912	56,424,711	7,899,459	0.24
1913	55,327,461	7,745,844	0.23
1914	52,418,430	7,338,580	0.21
1915	32,911,909	4,607,667	0.13
1916	47,587,145	6,662,200	0.19
1917	42,723,376	5,981,272	0.17
1918	51,598,024	7,216,723	0.20
1919	54,272,656	7,598,171	0.21
1920	12,718,139	1,780,539	0.05
1921	27,243,000	2,724,300	0.07
1922	40,350,000	4,035,000	0.11
1923	39,566,625	3,956,662	0.10
1924	34,566,600	3,456,660	0.09
1925	42,810,225	4,281,022	0.11
1926	41,212,125	4,121,212	0.10
1927	48,509,100	4,850,910	0.12
1928	48,393,300	4,839,330	0.12

* Per capita Based on male population of 15 years and over.

Angeles, stated that ''approximately 40 per cent of volume of raisin varieties shipped fresh are used for juice.''

In estimating the amount of wine which could have been produced and consumed in the United States, legally or illegally, we have added to the amount which could have been produced from wine grapes an additional amount which could have been produced from 40 per cent of the total California fresh-raisin crop. The 40 per cent of raisins which we have allotted to possible production of wine do not include, for the years 1925 and 1926, the amounts of raisins used in the production of distilled spirits.

In estimating the probable consumption of wine in the United States, we have taken the grape quantities as outlined in the foregoing paragraphs. We have estimated an absolute alcohol content of 10 per cent for wine made since 1921; whereas for the years 1900 to 1920, we have estimated the alcohol content to be 14 per cent, in view of the great quantities of fortified wines consumed.

Distilled Spirits

While the increase or decrease of production and consumption of fermented beverages—wine and beer—is of great importance, the real danger under the Prohibition regime seems to be in the consumption of hard liquor. Many claim that Prohibition has turned this country from a beer-and-wine basis to a hard-liquor basis, and many estimates have been adduced to show that we are drinking more hard liquor under Prohibition than before the Eighteenth Amendment became effective.

Because glucose or corn sugar forms a cheap basis for the manufacture of distilled spirits, some would attribute the tremendous increase in the production of this commodity to home distilling. Alcohol can be made from it with the added advantage that there is no waste or residue—an attractive factor especially in our cities. This claim is borne out superficially by a tremendous increase in the production of corn sugar, with exports on the decrease rather than increase since Prohibition. It is claimed that the industries do not absorb the increased production since the advent of Prohibition.

Investigation shows that this assertion is more easily made than proved. The sweetening value of corn sugar (glucose) is less than that of cane sugar (saccharose). We find therefore that glucose is used to an appreciable extent by manufacturers of confectionery, as thereby greater quantities of candy can be consumed without cloying.

Corn sugar is the main source of dextrose. Dextrose is used in medicine quite extensively with good results, either intravenously or orally, for example, in infant feeding, acidosis, fevers, pneumonia, in diphtheria with cardiac and circulatory failure, in nephritis and edema. Steel manufacturers within the last few years have become noticeable consumers of glucose or dextrose in the treatment of cases of heat collapse (62).

Corn sugar is used by bakeries and, in the syrup form, by restaurants. The industrial use of corn sugar has increased in the last ten years. It is used in leather and adhesive products for its dextrine content. The textile industry is using it. (No doubt the American textile industry has grown in this post-war period, and with it the consumption of corn sugar.) Laundry and cosmetic industries are using it in the form of soluble starch (linit.) The new artificial silk industry in its setting baths, according to some methods, is using corn sugar as one of the ingredients. Glucose is also used in place of sugar as a filler for cheap soap (61).

That corn sugar is not made primarily for the production of alcohol may be seen from the fact that sawdust can be used for the same purpose at about half the cost. Sawdust can be turned into genuine "grain alcohol" (ethyl alcohol, C_2H_6O) which is not "wood alcohol" (methyl alcohol, CH_4O). (63, p. 191.)

To ascertain the amount of corn sugar entering into illicit or even legal production of alcohol is a difficult, if not an impossible problem.

The full analyses of all the requirements and possible uses of corn sugar in the industries would reveal that *every pound can be reasonably accounted for.* The development of the chemical industries in the United States has been so phenomenal since the war that not only could all corn sugar be accounted for, but also every gallon of alcohol produced. The curves for these two items do not show a greater upward trend than similar curves for other items wholly unrelated to the beverage liquor traffic; as, for instance, gasoline, copper, and even the production of rayon, in many of the manufacturing processes of which unusual amounts of alcohol and even corn sugar are consumed.

We know, of course, that all corn sugar has not been used in the manufacturing of legal products, nor has all the denatured alcohol and industrial alcohol gone for legitimate purposes.

After a full investigation we are inclined to believe that it is impossible to reach even an approximately correct estimate of the amount of distilled spirits consumed, if we have no other basis than the corn-sugar production and industrial alcohol from which the possible diversion must be estimated. There are too many factors which would have to be guessed at and such a calculation would be no better than a ''guesstimate.''

In ''Prohibition at Its Worst,'' Irving Fisher quoted an estimate of the probable consumption of distilled spirits as calculated by Robert E. Corradini, based on the chemical laboratory reports of the Department of Internal Revenue. These laboratories make accurate chemical analyses of all alcoholic beverages submitted by the men in the field enforcing the Volstead Act. The reports must be, therefore, accurate, complete and explicit. These reports furnish the best and most representative index of the alcoholic beverages on the market in the United States today.

In "Prohibition at Its Worst," the estimate of distilled liquors consumed was based on the laboratory reports received from Washington, D. C., and they included some tests made of liquors for other purposes than those submitted to get information for prosecution.

In the present new estimate, the probable consumption of distilled spirits has been based on the ten years' experience of the chemist in charge of the New York laboratory, who made a special study several years ago, and who has confirmed but recently those findings. It is the only study known to have been made. Incidentally, the New York laboratory has the highest percentage of chemical tests made by all the laboratories in the United States. It is also one of the oldest, having functioned since 1920, while many of the other laboratories have been in operation only from three to four years.

As these reports cover all kinds of alcoholic beverages confiscated—in raids of moonshine stills, tenement houses, commercial plants recovering denatured alcohol—they should make a fair basis to ascertain what is on the market. These reports do not represent guesswork, but scientific research on the part of trained chemists. It seems, therefore, that in accepting this basis one can with a certain degree of safety establish—if not the exact amount—the probable trend of consumption.

Some confusion arises in quoting figures from the Prohibition Unit, wherein data are given for actual production of alcohol, and also withdrawals of alcohol; furthermore, some figures are for proof gallons representing a certain fixed amount of absolute alcohol, while other quantities are given in wine gallons which is only the measure of the whole liquid, irrespective of alcoholic content. For instance, in 1928 there were withdrawn 159,689,378.2 proof gallons of ethyl alcohol for denaturation. From this quantity there were produced 46,966,601.28 *wine* gallons of completely denatured alcohol and 45,451,424.28 *wine* gallons of specially denatured alcohol—so that the 159,689,378.2 proof gallons were finally reported as 92,418,025.56 *wine* gallons.

In estimating the probable amount of spirits on the market, we have two definitely known sources of supply—that is, the alcohol withdrawn as distilled spirits, or grain alcohol, used primarily for medicinal, food and flavoring preparations, for internal use, and alcohol released for industrial purposes after it has been denatured. The diversion for beverage purposes of distilled spirits is negligible. The chief source of supply is the industrial alcohol.

The experience of the New York laboratory over a period of ten years is that for every one sample of medicinal spirits analyzed, there are three samples of distilled spirits confiscated and submitted, and approximately ten samples originating in the supply of industrial alcohol released for manufacturing purposes but diverted to the beverage trade. We are assuming, of course, that all alcoholic beverages released for medicinal purposes have gone down the human throat. This ratio of 1 : 3 : 10 represents the experience over a period of ten years. The diversion of denatured alcohol, however, did not begin at once with the going into effect of the Eighteenth Amendment. It was neglible in 1920 and 1921. Since 1923 and 1924 the Government has taken unusual precautions to prevent the diversion of denatured alcohol. We have therefore corrected the ratio of diverted denatured alcohol with the total experience of all the laboratories throughout the United States.

We have estimated the alcohol content of distilled spirits to be only 30 to 35 per cent during the Prohibition period. This comparatively low percentage was accepted because it represents the

TABLE 32

ESTIMATE OF PROBABLE CONSUMPTION OF DISTILLED SPIRITS IN THE UNITED STATES

(*Estimate of Robert E. Corradini, Research Secretary of the World League Against Alcoholism.*)

Year (fiscal)	Absolute Alcohol Content (gals.)	*Estimated Per Capita Consumption of Absolute Alcohol (gals.)
1900	48,678,432	1.89
1901	51,727,669	1.96
1902	53,863,070	1.99
1903	58,834,977	2.12
1904	60,543,693	2.13
1905	60,434,824	2.08
1906	63,925,791	2.15
1907	70,042,218	2.30
1908	62,689,657	2.01
1909	60,565,018	1.90
1910	66,569,342	2.05
1911	69,292,994	2.10
1912	69,748,165	2.09
1913	73,872,814	2.18
1914	71,723,613	2.09
1915	63,579,549	1.83
1916	69,986,842	1.99
1917	83,870,162	2.35
1918	44,519,074	1.23
1919	41,059,055	1.12
1920	14,172,471	.38
1921	26,427,402	.71
1922	17,255,513	.46
1923	20,947,632	.55
1924	15,943,436	.41
1925	15,274,816	.39
1926	13,832,234	.35
1927	14,045,780	.35
1928	13,547,503	.33

*Based on male population of 15 years of age and over.

actual experience of the chemists analyzing confiscated samples. Those who followed the erudite explanation of ex-Senator Reed of Missouri regarding the cutting processes, as he recited them before the United States Judiciary Committee in 1926, will undoubtedly agree on this low percentage. The many writers of the inside story of ''racketeers'' who seem to take special pride in outlining all the processes of cutting and diluting alcohol, will also agree on this low percentage.

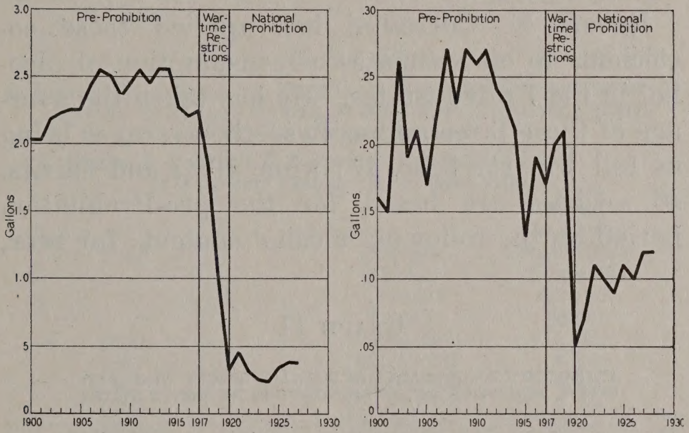
Estimated Total Consumption

In Table 34 we have grouped the estimated probable consumption of all alcoholic beverages, giving only the estimated absolute alcohol consumed and the per-capita consumption which is based on the male population of 15 years and over. This would indicate an approximate probable average consumption of absolute alcohol of 4.61 gallons for the pre-Prohibition period, 1900 to 1916; an estimated average for the War-time period, 1917 to 1919, of 2.45 gallons; and since 1920, the Prohibition period, an average of 0.88 gallons, or less than one-fifth the pre-Prohibition average.

Toxicity Curve

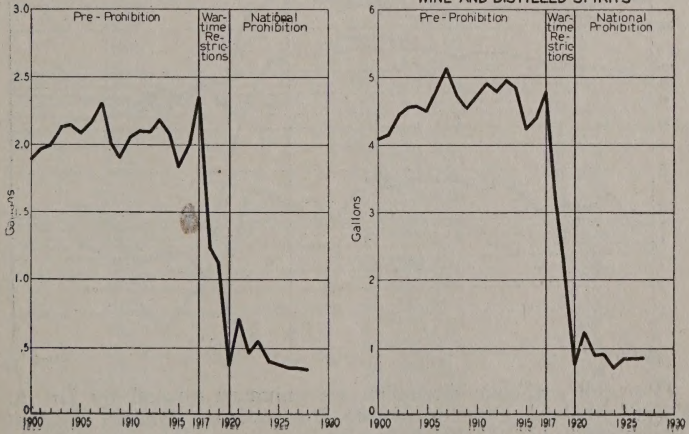
Several painstaking studies have been made in Europe to ascertain the relative amount of harmfulness due to a given quantity of alcohol if absorbed in beer, in wine, or in distilled spirits. The most notable studies were made by Gabrielson, Milliet, and Olbrecht (64). These men have estab-

Graph 10



ESTIMATED PER CAPITA CONSUMPTION OF ABSOLUTE ALCOHOL IN BEER

ESTIMATED PER CAPITA CONSUMPTION OF ABSOLUTE ALCOHOL IN WINE



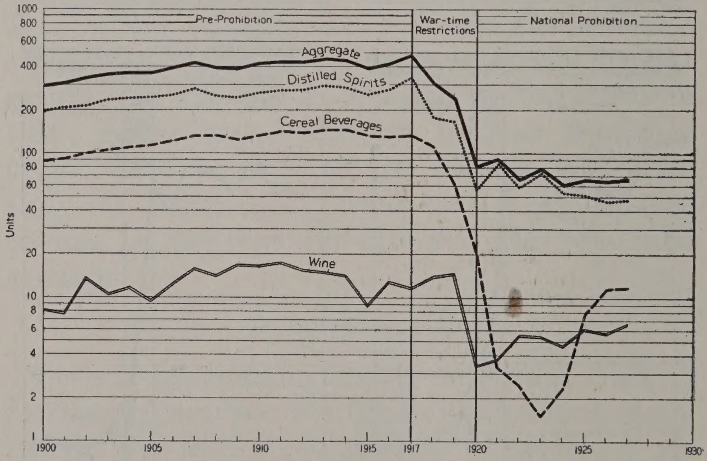
ESTIMATED PER CAPITA CONSUMPTION OF ABSOLUTE ALCOHOL IN DISTILLED SPIRITS

ESTIMATED PER CAPITA CONSUMPTION OF ABSOLUTE ALCOHOL IN BEER, WINE AND DISTILLED SPIRITS lished definite coefficients of toxicity based on their experiments on both animals and human beings.[1]

Robert E. Corradini has applied these coefficients to his estimates of consumption of alcohol in the United States. He has taken the average of these three authorities—the averages being as follows: for beer, 17; wine, 19.3; and spirits, 40. These are based for the pre-Prohibition period on the following alcohol content: for beer,

Graph 11

ESTIMATED TOXICITY CURVES OF DISTILLED SPIRITS, WINE AND CEREAL BEVERAGES, AND OF AGGREGATE IN THE UNITED STATES



---

[1] For full academic discussion see summary quoted by Dr. A. Koller, Medical Director of the International Bureau Against Alcoholism in his "La Production et la Consommation des Boissons Alcooliques dans les Differents Pays" (64).

4.25; wine, 14; and spirits, 45. For the Prohibition period they have been corrected for the difference in alcohol content of the beverages, estimated

TABLE 33

ESTIMATE OF AGGREGATE PROBABLE CONSUMPTION OF ABSOLUTE ALCOHOL IN MALT LIQUORS, WINES, AND DISTILLED SPIRITS IN THE UNITED STATES

(*Estimate of Robert E. Corradini, Research Secretary of the World League against alcoholism.*)

Year	Absolute Alcohol Content (gals.)	*Estimated Per Capita Consumption of Absolute Alcohol (gals.)
1900	104,828,269	4.08
1901	109,213,235	4.14
1902	119,580,709	4.43
1903	125,826,514	4.54
1904	130,330,906	4.59
1905	130,730,564	4.50
1906	142,701,623	4.80
1907	155,573,980	5.12
1908	147,707,814	4.74
1909	143,701,116	4.52
1910	153,741,902	4.74
1911	161,827,033	4.91
1912	159,780,200	4.79
1913	167,908,422	4.96
1914	166,459,495	4.85
1915	147,046,999	4.23
1916	153,925,729	4.38
1917	169,966,964	4.77
1918	117,761,451	3.26
1919	84,908,757	2.32
1920	27,933,645	.75
1921	46,283,674	1.23
1922	33,079,719	.88
1923	34,292,508	.90
1924	28,598,080	.73
1925	32,892,276	.84
1926	33,534,015	.84
1927	34,265,859	.85

*Based on male population of 15 years of age and over.

as follows: beer, 3.5 per cent; wine, 10 per cent; medicinal spirits, 30 per cent; distilled spirits, 30 per cent; and recovered denatured alcohol, 35 per cent.

The totals are presented in Graph 11, which purports to show the estimated toxicity curve for the United States based on the foregoing data.

CHAPTER XV

IN PUBLIC SENTIMENT?

Wet View

Reaction marked by failure and repeal characterized two great waves of State-wide Prohibition from 1846 to 1858, and from 1867 to 1889. The Moderation League, Inc., of New York, gives the results in its pamphlet, ''Prohibition in the 1928 Campaign.'' Twelve of the original thirteen States to adopt statutory Prohibition abandoned it, leaving only Maine. It lasted an average of 7.9 years in Illinois, Massachusetts, Rhode Island, Michigan, Connecticut, Delaware, Indiana, Iowa, Nebraska, and New York; in New Hampshire the prohibition term extended from 1855 to 1903, and in Vermont from 1852 to 1903. In the eighties Rhode Island, Kansas, Iowa, and North and South Dakota experimented with it and repealed it, several of them more than once; while North Dakota alone failed to repeal it. The average term of Prohibition for these States, barring North Dakota, was 7.3 years.

What is regarded as a minor wave occurred in the South from 1907 to 1912, abolishing the saloon in Oklahoma, Georgia, Alabama, North Carolina, Mississippi, Tennessee, and West Virginia, **but,** in five of these States permitting importation for personal use. This movement was alleged to be motivated largely by the race problem. Alabama abandoned it after three years, but the remainder of this group persisted into the period of National Prohibition.

During the third major wave five States adopted Prohibition in 1914, and twenty-two States followed them in rapid succession to the period of National Prohibition, when forty-six out of forty-eight States ratified the Eighteenth Amendment through their legislatures.

Hysteria Produced National Prohibition?

The Moderation League ascribes the third major wave to the excitement of the war. ''The hysterical armistice election was undoubtedly the peak of prohibition sentiment of the third wave,'' the League says; and, before January 17, 1919, the State legislatures had been caught in it. ''If the present third prohibition wave is going to follow the first two,'' the statement continues, ''the limitation of time which we have observed, during which they can maintain themselves, will have expired by 1928. Consequently, political leaders are nervously watching all the signs to learn, if possible, whether history is repeating itself.''

Then there is the Canadian prohibition wave, a minor flow and ebb of sentiment. ''Five provinces adopted it by popular vote and then abandoned it, also by popular vote, as follows: Alberta (1915-1923), Manitoba (1916-1923), Saskatchewan (1916-1924), British Columbia (1916-1924), and Ontario (1919-1926).

"Its average life in these provinces was 7.6 years. This contemporaneous experience in Canada is in entire harmony with our own experience during the first and second waves, and is some evidence that the present third wave is going the way of the first two."

State Referenda

Further evidence of present reaction is found in the State referenda of recent years. In its pamphlet, "Dry (?) America," the Association Against the Prohibition Amendment sums up these referenda, as follows:

> Since the Amendment went into effect there have been state-wide votes on questions pertaining to Prohibition in eleven states. How have the people expressed themselves in these various votes?
>
> In the 1926 elections referenda were held in eight states which gave the voters an opportunity to indicate their wishes on Prohibition. The eight states in which referenda were held that year have one-fourth of the population of the United States. Of the total votes cast on the referenda, 59.45% were against prohibition, and 40.55% were for it.
>
> On November 8th, 1927, the voters of Ohio, in a referendum on the Marshall Bill,

voted two to one against the measure supported by the Anti-Saloon League and its allies. The vote was: Against, 916,016 or 67.6%; For, 438,458 or 32.4%.

In the elections of November, 1928, there were referenda in two states.

In Montana a majority of more than twelve thousand defeated an Initiative measure proposing the adoption of the Volstead Act as a law of the State. The former state enforcement act had been repealed in 1926.

In Massachusetts the voters were given an opportunity to express themselves directly relative to the Eighteenth Amendment, the question submitted on the ballot being: "Shall State Senators be instructed to vote for a resolution requesting Congress to take action for the repeal of the Eighteenth Amendment?" The majority of 284,697 registered in favor of such a move toward repeal shows unmistakably the strong public opinion in that state against Federal Prohibition.

In April, 1929, the people of Wisconsin voted for repeal of their state enforcement act. The unofficial figures were: 350,337 for repeal, 196,402 against repeal.

These eleven states have 36.2% of the population of the United States (105,273,049 in 1920, excluding the District of Columbia, where residents do not vote). Seven of them showed a wet majority; four voted dry.

Their aggregate vote stood 60.6% against Prohibition and 39.4% for it.

It is entirely proper in view of these facts to say that, so far as the voters have been able to express their views, the majority is now strongly opposed to the continuance of the Prohibition experiment.

Wet Prospects in Light of Popular Votes

In its conclusions the Moderation League states:

> Analysis of the 1926 referenda, with reference to the prior votes, shows a very marked shift of opinion away from bone-dryness, and toward some form of moisture. When considering their prospects for 1928, the parties will consider that:
>
> 1. In the first two United States prohibition waves, the dry majorities changed to wet majorities within a decade.
> 2. The contemporaneous prohibition wave in Canada has already imitated the first two United States prohibition waves by subsiding within a decade.
> 3. The foreign countries which also adopted prohibition coincidentally with the World War have practically all abandoned it already.
> 4. The 1926 referenda show that the same shift in opinion has been taking place in this country.
> 5. Election day in November, 1928, will mark the tenth anniversary of the peak of the prohibition wave (November 5, 1918) in this country.
>
> This indicates that any party which places its reliance in 1928 on the former dry majorities, is almost sure to be disillusioned.

> The fundamental fact, and one which may be the final consideration in the political mind, is this:
>
> The wet States include most of the large States with large blocks of electoral votes—and many of them are not merely wet, but so overwhelmingly wet that the result in such States is likely to turn solely on the prohibition question.
>
> As to the dry States, it is doubtful whether more than a handful still have bone-dry majorities—and those majorities have been reduced to such small proportions that it is not likely that the result in many such States will be determined by . . . prohibition. . . .

Resting its hopes on the ''ebbing wave'' theory of Prohibition, the Association Opposed to the Prohibition Amendment called for a campaign fund, November 19, 1927, of $3,000,000 to urge a national prohibition referendum at Washington and to reach the voters of all the States, asking their expressions thereon. The Association sought in the 1928 platforms of both major parties a declaration that would favor a referendum ''in conscience binding'' on all subsequent Democratic and Republican nominees for the United States Senate and House. Failing this, the Association contemplates a referendum in half a dozen or more States at recurring elections during the next few years, until all the States shall have been heard from.

Dry View

The active enemy of the wets is the dry majority in Congress and in the State legislatures. Their passive and even more formidable enemy is the apparent indifference of the wets that makes the dry majorities more impressive and the steady absorption of the electorate in pursuits that are more attractive than drink. Because of the unaccountable voting apathy to wet propaganda, Senator Bruce of Maryland, among other wet leaders, advised carrying the fight into the Presidential election of 1928.

Senator Bruce said:

> We must do this for the sake of the cumulative effect on the public mind between now and the convention. We can never win this fight except in a Presidential campaign, for at no other time are the voters sufficiently interested to make a real fight. The Democrats must have a wet candidate and a wet platform in which they will declare in so many words for a modification of the law along the lines suggested by the New York referendum.

Alfred E. Smith As Wet Champion

Ex-Senator Bruce's advice was taken at least in part. The National Democratic Party had its wet Presidential candidate on a law enforcement platform, which the candidate modified by a post-convention plank of his own, precisely on the lines advocated by the former Maryland Senator. Moreover, ex-Governor Smith secured the appointment of Mr. Raskob, a Director of the Association Against the Prohibition Amendment, as Democratic National Chairman, who, in his acceptance address, stressed the prohibition issue and pictured the Democratic Presidential nominee as the Moses who might point the way out of conditions that have followed in the wake of Prohibition. National Chairman Raskob said:

> Governor Smith, as President of these United States, with all the resources at his command, will be able to give the people of the United States a picture of the real social conditions under the present so-called prohibition laws. If, as a result of careful study, he can evolve a plan for the regulation and control of the liquor question in a way that will absolutely prevent the return of the saloon, eliminate bootlegging, with its accompanying evils—graft, corruption and murder—and restore temperate life in our country, then all fair-minded men must admit his right, if not his duty as President, to promulgate such plan, and to advocate such changes in our laws and Constitution as may be necessary for its adoption. This again is leadership—not pussyfooting.

Thus the coveted attention of the American public was gained to the prohibition issue. Chairman Raskob resigned from his chairmanship of the finance committee of General Motors in order to urge the issue, and Pierre S. du Pont, Chairman of General Motors Board of Directors, obtained leave of absence from the corporation for the same purpose. For the first time since the adoption of the Eighteenth Amendment it became a major political issue in a Presidential election.

National Prohibition came as a nonpartisan measure by an overwhelming majority of Congress and the almost unanimous ratification of the States. The responsibility for making it a partisan issue was lodged directly in the post-nomination pronouncements of the Democratic Presidential candidate and his Chairman, chosen from the directorate of the Association Against the Prohibition Amendment. Chairman Raskob promised to help ‘‘relieve the country of the damnable affliction of Prohibition.’’

Election of 1928

Concerning the significance of the issue, the wet and influential New York Times said on November 4, 1928, just before the election:

> . . . Next Tuesday, however, the issue between Smith and Hoover in the matter of Prohibition is sharp and clear. Hoover proposes to attempt to correct the abuses of enforcement, but stands for the amendment and the Volstead law unalterably. Smith, pledged to attempt real enforcement of the law for the first time in its history, would amend the

> amendment and modify the law so as to permit the several States to undo Prohibition. *It is the first opportunity which Americans opposed to Prohibition have ever had to register their opinion and make it felt by the politicians.* If this opportunity is not grasped, years may pass before it comes again. All the Dry forces are militantly for Hoover. They accept the issue as real. The Anti-Saloon League officially concedes that the victory of Smith would be a definite blow to the theory of Prohibition and a menace to its presence in the Constitution and the statutes. Every other Prohibition group in the country recognizes in the voting of next Tuesday a political instrument which will be powerful if placed in the hands of the Democratic candidate. . . . If Smith is elected, liberalism will have a leader in a position of great power, carried into office by so widespread and popular an uprising that the barriers of reform (which Mr. Hughes describes as unscalable even by the people who set them there) will begin to crumble.

There is no mistaking the decisiveness of the issue, as it presented itself in the minds of the wets as well as the drys. As everybody knows, it was decided against the cause of the wets, among other issues, by one of the most overwhelming votes ever cast in a national election.

Analysis of Dry Victory

An analysis of the vote makes the Dry victory seem especially impressive. It is impossible, of course, to demonstrate from the statistics what effect, if any, the women's vote had on the results. It is stated that the women were largely responsible for the increased registration. A larger proportion of women than of men were, doubtless, influenced by the Prohibition question and religious opinions.

Maine was the only predominantly dry State which showed a swing toward Smith, as contrasted with the Republican vote of 1924. Even that swing was small and far from enough to give him the electoral vote. All the other distinctly dry States showed big swings toward Hoover, namely: Kansas, South Dakota, Washington, Oregon, Wyoming, New Mexico, Nebraska, North Dakota, Idaho, Tennessee, Oklahoma, Arizona, North Carolina, Virginia, Florida, Arkansas, Alabama, Texas, Georgia and Mississippi, as well as Nevada, which is hard to classify as wet or dry, while lesser swings toward him were found in the dry States of Colorado, Ohio, California, Indiana, Iowa, Minnesota, West Virginia, Utah, and South Carolina.

In other words, practically all the dry States swung toward Hoover, even several in the Solid South which did not swing far enough to carry them for him.

Most of the distinctly wet States, on the other hand, swung toward Smith, namely, Massachusetts, Connecticut, Rhode Island, New York, and

New Jersey. But wet Maryland—the only State which has never had a State enforcement act—swung toward Hoover, as did also the wet States of Montana, Wisconsin, Delaware, Missouri, and Louisiana. Vermont and Michigan, unclassified wet or dry, swung toward Smith.

Record of Dry Majorities, State and Congressional

Since National Prohibition became effective in 1920, most attempts in the separate State and Congressional campaigns to elect United States Senators and Representatives and legislators have failed to constitute working wet majorities. Volumes of wet talk and agitation have not thus far issued into effective action. William Atherton Du Puy reviews the successive State and Congressional votes as follows:

> Admittedly, if men voted as they talked, Prohibition would cease to exist. But the record shows that voters, in the solemn quiet of the balloting booth, express opinions at variance with those aired on the street corner. Men do not vote as they drink, some very solemn person has said, but as they pray. Election returns show that something like this actually happens.

The record follows:

> The first overwhelming demonstration of the vote-getting strength of the Prohibition movement came with the ratifying by the

States back in 1919 of the constitutional amendment providing for it. The legislatures of 46 out of 48 States, both Senate and House in each case, voted for approval. But two States, Rhode Island and Connecticut, failed to act. No other such overwhelming ratification of a constitutional amendment has ever occurred. Wet Wisconsin and sopping Maryland gave their approval. Ninety-five per cent of State legislatures, under mandate from their voters, ratified the dry amendment. The other five per cent merely failed to act.

The wets interpreted this overwhelming ratification as an outpouring of idealism engendered by the war. They expected a reaction. The Congress of the United States would, of course, temper this order. It was the one body which expressed the political will of the whole nation. The people, of course, were not actually for Prohibition. Listen to the way they talked. Offer them a nip of your prewar stock.

Increased Dry Majority in Congress

Since that time four Congresses have been elected. Each has been drier than its predecessor. In each questions have arisen which necessitated the separation of the dry sheep from the wet goats. The drys have gained steadily in numerical strength. They have never lost a battle of ballots in the Congress. The high tide of wet votes in Congress of late has been 20 per cent, the low tide 10 per cent.

This last election marked the most desperate, last trench fighting that the wets have yet made. Their heavy artillery preparation for it had lasted for a year. Congressional investigating committees had lent themselves as agencies of propaganda. Crime waves had been cited as evidences of the impossibility of enforcement. The mission to be accomplished was the recovery of 200 seats in the House. The wets were determined to accomplish that end. They put all they had into the effort. But when the smoke had cleared away the drys had gained two Congressmen. The wets had actually gained one Senator. They had elected a mere six Senators out of 35, but that showing, poor as it was, was a gain. It did little, however, to offset a six to one majority in both Houses. And this is the one body which registers the national attitude on such questions.

State feeling likewise was recorded in this last election. Thirty-five Governors had been elected. Of these 30 were outspoken in their dryness. There were but two, Smith, of New York, and Ritchie, of Maryland, who were frankly wets. Zimmerman, of Wisconsin, executive of a wet State, was silent on Prohibition. Rhode Island and Connecticut, with good enforcement laws but wet inclinations, avoided definite alignments on the ground of the problem not being an issue.

Of the 35 legislatures chosen, 30 are admittedly dry in both houses. But one legislature, that of Maryland, is wet in both houses. Four States have legislatures with one house wet and one dry. There is no escaping the fact that the voters throughout the nation, in choosing their legislatures, have registered an almost unanimous dry will. This can hardly be laughed off.

If a wet and a dry map were made on the basis of the last election, the wet spots, it is only fair to say, would be quite inconsiderable. A charitable interpretation of the returns would give the wets six States—New York, Maryland, Missouri, Wisconsin, Connecticut and Rhode Island. They divided honors in three others—New Jersey, Pennsylvania and Louisiana. Actually there are but three wet States, New York, Maryland and Wisconsin. Admittedly there are 39 dry States. Dry dominance therefore is no less than overwhelming.

The "Wet Fringe"

Dry America, Mr. Du Puy remarks, has only a wet fringe.

> The wet fringe on the Atlantic seaboard forgets that stupendous sweep from Pennsylvania to the Pacific, from Pennsylvania to the Gulf. That little area that is one-tenth of the nation is provincial and considers itself the whole. New York, Philadelphia, Baltimore, Boston, in their wetness, think of themselves as the voice of the nation. It is doubtful if they could dominate even this one-tenth on which they are placed, for there are Maine, New Hampshire, Vermont, Massachusetts, Delaware; and non-metropolitan

> New York, Pennsylvania, and Maryland that are unequivocally dry.
>
> In fact, there are but a few spots of dense population that are wet. Their size as compared with the vast expanse of the nation is quite inconsiderable. Wet America is but a fringe on one corner of her raiment. It is a very vocal fringe, and therefore has attracted much attention. But before considering it seriously as an element of the first magnitude in politics it should be laid out on the counter and its actual yardage taken. This is a matter of measurement and not of noise. (67)

As for the State referenda in 1926, on the results of which the wets largely built their hopes, analysis shows that in four States, New York, Illinois, Wisconsin and Nevada, the referenda were not contested by the dry organizations. These mostly instructed their followers not to participate, giving as their reasons that the results would not be binding on Congress, and that they ought not by voting to give indorsement to this unusual method of attacking the Constitution, and that the drys should not by this method be diverted from their efforts to elect dry State legislators and Congressmen.

Prohibition ''Waves''

With respect to the so-called Prohibition ''waves,'' the Moderation League fails to note their most significant feature, namely, that as they receded each left, first a few, then more States permanently inundated.

Maine was the first to be permanently submerged in 1846, then Kansas in 1867. These were followed by North Dakota, Georgia and Oklahoma (1889-1907); then came North Carolina, Mississippi, Tennessee, and West Virginia (1908-1912); following these, the ten-year limit set by the wets for the general ebb of a prohibition wave has expired in the cases of Colorado, Virginia, Arizona, Oregon, Washington, Arkansas, Idaho, Iowa, Alabama, South Carolina, Michigan, Nebraska, South Dakota, Utah, Indiana, New Hampshire, and New Mexico—in all of which State Prohibition has been in force from eleven to twenty years.

Small wonder that the National Prohibition deluge, when it came in 1919, swept over forty-six out of forty-eight States, and from these has since receded by the repeal of State enactments only in New York and Montana.

Even the recent referendum in Wisconsin, where the people voted to repeal the State law, showed that the wet majority decreased by about one-third compared with the vote cast against Prohibition as recently as 1926.

CHAPTER XVI

IN EDUCATION FOR TEMPERANCE?

WET VIEW

In "Prohibition at Its Worst," on which temperance authorities rely for teaching the latest scientific facts concerning the effects of alcohol, it is stated that a man who drinks a glass of beer "is one glass of beer drunk," that "the physiological or biological ideal to-day is not temperance, but total abstinence," and that "so-called moderate drinking merely means moderate intoxication." These statements are disputed by the wets as being unscientific.

"Unscientific" School Textbooks

The Superintendent of Schools of New York City on March 6, 1928, reminded all District Superintendents and public school Principals of Section 691 of the Education Law of New York, which provides for teaching the "nature of alcoholic drinks and other narcotics and their effects on the human system." If it is the intent of the school textbooks to teach the evils of drink only, then the very law under which the teaching is conducted would be violated, since it provides for imparting knowledge of the "nature and effects" of alcohol, or both sides of the matter. Some forty years ago the Committee of Fifty on Alcoholic Traffic, of which Seth Low, William Bayard Cutting, Charles W. Eliot, William H. Welch, William M. Sloan and others were members, handed down a report which stated that for many years the Woman's Christian Temperance Union and the writers of school textbooks had emphasized to the point of exaggeration the harmful effects of moderate drinking (69).

Scientific Experiments

Many experiments have been cited to show that alcohol is harmful. Every one admits the validity of those experiments that indicated its detrimental effect on precise mental operations, such as are involved in typewriting, target shooting, typesetting, and motor driving. Dr. Morris Fishbein states, on the other hand, that mental operations are shortened, the simple reactions and reaction times quickened, mental associations—such as making words to rhyme—made easier, and public speaking indulged in with facility. This has been said to be the result of primary mental stimulation. But Professor W. E. Dixon, the noted British pharmacologist, emphasizes the fact that these effects are the result of inhibition or depression of the higher centers of the brain.

Dr. Fishbein asserts that there is not the slightest scientific evidence to indicate that alcohol taken in moderation ever appreciably shortened anyone's existence. ''When it is taken in strict moderation, injurious effects are yet to be proved,'' says Professor Dixon.

The Pearl Experiments

On the biological side, Raymond Pearl, Director of the Institute for Biological Research of Johns Hopkins University, draws the conclusion in his book ''Alcohol and Longevity'' that the moderate drinker not only suffers no apparent injury from small doses of alcohol, but seems to gain a slight actual benefit. His chances of life at any given age, Dr. Pearl reports, are equal or even superior to the chances of a teetotaler.

Pearl is only one of many whose experiments dealing with the effects of alcohol on posterity indicate that it often acts selectively, causing elimination of weak stock, so that the remaining stock is more vigorous.

Dr. Herbert S. Jennings, Director of the Zoological Laboratory at Johns Hopkins University, has summed up the results of Whitney, Noyes, and Finesinger, who have kept various lower organisms for twenty or more generations under the influence of alcohol. The alcohol, they find, lowers fertility, vitality, and resistance in these organisms. On removing them from the alcohol, the first generation still have a lowered vitality. But in the next and subsequent generations the injurious effect has completely disappeared. Stockard found that in a considerable proportion of cases, guinea-pigs subjected to alcoholism give descendants that are weak or seriously defective, to the second and third generation. But after three generations the defects had disappeared, apparently through the elimination of the individuals bearing them.

Stockard then examined from this point of view the descendants of his guinea-pigs. Though in the second and third generations from the alcoholized parents they were weaker and more defective than normal, in the fourth generation they showed, like Pearl's alcoholized fowls, a lower mortality rate than the descendants of unalcoholized individuals. Thus the final upshot was a more vigorous population. MacDowell, Dr. Jennings notes, found that alcoholized white rats produced fewer litters and fewer young to the litter; but these offspring in turn produced larger litters, and the descendants in both generations were larger than the descendants of the non-alcoholized stock. Selective elimination in these cases is the key-word.

Modern Experiments Recording ''Benefits''

The wets declare that in failing to teach the ''benefits'' as well as the evils of alcohol in moderate drinking, in its effects on longevity, and in its selective action in weeding out the unfit, as discovered by experiments on lower organisms, the teaching of temperance under national Prohibition is still at its worst.

Temperance Teaching

Further, the associations dedicated to the repeal or modification of the Prohibition Laws declare that they are the ones who teach true temperance. Despite the defects of temperance teaching that are noted above, these organizations hold that for many decades before National Prohibition, the evils of drink had been steadily diminishing through the educative influence of public opinion. Habits of excess which were common in times that many men can distinctly remember, had become rare and exceptional; habitual drunkenness, formerly regarded with a certain kindly tolerance, had come to be looked upon as an inexcusable vice. Fabian Franklin contends that even during the last two or three decades, the change had been steadily progressing—the change from immoderate indulgence to temperate enjoyment, the change often from drinking at all to total abstinence, the change from the time when drunken men were a familiar sight to the time when they had become an unusual spectacle.

So far as this steady education in sobriety has been relaxed, both through public opinion and the schools, and the education of revolt against the coercion of the Federal Law has been substituted, it is held that the situation under Prohibition has worsened.

DRY VIEW

Plans to expend $50,000 made available by Congress for dissemination of facts with respect to the Eighteenth Amendment, announced by Dr. J. M. Doran, Commissioner of Prohibition, on June 25, 1929, were accompanied by the following statement:

> The Treasury Department is not expecting to carry on a system of propaganda in the public schools in connection with the Prohibition campaign of education authorized by Congress.
>
> Many of the States have laws requiring that the effects of alcohol and narcotics on the human system be taught in the public schools. The Bureau of Prohibition has prepared a limited number of pamphlets which contain accurate information on these subjects, as well as the economic phases of prohibition, and they are available should they be desired.
>
> The Federal government is not going to supply any teachers or lectures for this work.
>
> The burden of the government's message to the youth of the country is the proper use and the value of the commodity in the advancement of civilization.

Instruction in Schools

In a report published in the Summer number of the Scientific Temperance Journal, 1929, by a committee headed by Cora Frances Stoddard, Secretary of the Scientific Temperance Federation and Director of Scientific Temperance Instruction of the National W. C. T. U., appears the following statement about laws for temperance instruction in the schools:

> The instruction is legally required in all states (and the District of Columbia) except Arizona, Wyoming, and possibly Nevada. The evidence concerning Nevada is not yet quite complete.
>
> Arizona, while a territory, had the instruction under the United States federal law, but apparently never incorporated the requirements into its state educational code. At the present time, however, an official educational committee has been appointed to prepare an outline of topics on this subject.
>
> Wyoming leaves with its official state educational department the preparation of the course of study. The latter includes topics on alcohol and other narcotics.
>
> Nevada still has one required ''Temperance Day'' for special attention to this question, but this, of course, does not fill the place of regular teaching as a logical part of the health program (70).

In an issue of the Scientific Temperance Journal appears this editorial note:

> When the earlier textbooks were written, some of them now over forty years ago, the

> pathological effects of alcohol were about the only material available. The experimental work as to the effects of alcohol on physical activities, and especially on the work of the brain and nerves, largely began after the early books were written.
>
> The texts written for school use within the past thirty years have been teaching these latter facts rather than emphasizing diseased conditions resulting from heavy drinking, although the general relation of alcohol to health is not ignored.

None of the associations formed to tear down the Prohibition Laws of the States and the National Government, avowing their aim to be the restoration and teaching of true temperance, have had part or lot—other than an obstructive one—in the teaching of temperance in the schools.

Schooling Contributed to Prohibition

The enactment of State Prohibition Laws which culminated in National Prohibition gained added momentum in 1907. Of the background of these laws the Hon. Samuel J. Barrows, formerly of the International Prison Commission, said in The Outlook in 1908, that "one reason for the growth of temperance sentiment" was the fact that systematic temperance teaching of youth had been going on for years, and

> the result of this education has been telling in the boys and girls who have grown to

> manhood and womanhood. . . . A new generation has grown up and has found that alcoholic drinks are not necessary for health or happiness.

Such testimony, together with the rapid spread of Prohibition in the States, would seem, on its face, to bear out the assumption on the Wet side of this chapter that matters were progressing well enough without the intervention of National Prohibition.

Counter-Effects of Liquor Campaign

But this strengthening of the sober sentiment of the nation, as manifest in local option and State prohibitory enactments, was accompanied by a determined advertising campaign by the brewing and distilling interests that increased the per capita consumption of beer, wines and distilled spirits in 1910-1914, as compared with the two preceding five-year periods. Although per capita consumption of alcoholic beverages was lower during this period than in European countries, the rate of consumption was declining in Great Britain, Germany, and, in the case of wines, in France, while it was rising in the United States. The testimony brought out in the United States Senate investigation of the brewing and liquor interests and German propaganda in 1919 revealed the fact that the liquor interests relied upon their advertising campaign to counteract the Prohibition campaign.

Of course, the distribution of drink was uneven, as it has always been, and it is altogether possible that the systematic advertising by the brewers and distillers caused those who did drink to drink more frequently, while at the same time the schools and temperance and religious organizations were turning out more teetotalers. To the ranks of those on the side of drink were added hundreds of thousands of old-world adult immigrant drinkers, whom the temperance teaching in the schools could not reach. Both sides grew into strongly intrenched camps. But it was found that the "Wets could ship wet into dry territory, while the Drys could not ship dry into wet territory." While the Webb-Kenyon Law enacted by Congress (March 1, 1913) and upheld by the United States Supreme Court (January 8, 1917), prohibited shipments through the mails and by common carriers from wet states into dry territory, it did not entirely eliminate interstate shipment. This disadvantage was evened by the coming of National Prohibition.

A Modern Temperance Program

A report made in 1924 presents a modern temperance program for public schools and teacher-training institutions—a program prepared by the American Joint Committee on Health Problems in

Education of the National Education Association and the American Medical Association.

Modern business reasons for abstinence are given in this report. It prescribes the teaching to children aged twelve to fourteen of facts concerning alcohol handicaps; that changes from a century ago in methods of transportation, by railroads, steamboats, motor vehicles, and airships, and in production, from handwork to machinery, require clear brains and steady nerves. The program would show why American railroad engineers voluntarily became total abstainers, and why railroads require abstinence on the part of train operatives. It would tell the effects of alcohol in alertness, perception, judgment, ability to see, interpret, and respond to signals or signs of danger. It would give simple accounts of experiments proving that these effects increase susceptibility to infectious diseases and such poisons as lead.

The report recommends that the twelve-year-olds be taught total abstinence as an advantage to the worker. It would recount the tests showing that alcohol compels a greater expenditure of energy in doing a given piece of work and thus makes hard work harder and fatigue appear sooner. It would tell why good food and hot and nourishing drinks are better than beer for the tired worker. It recommends better means than using alcoholic drinks for meeting exposure to extremes of temperature.

Shortened Life of "Moderate" Drinkers

To Dr. Fishbein's assertion that the shortening of life from alcohol taken in moderation has never been proved, is opposed the testimony of Dr. Oscar H. Rogers, Chief Medical Director of the New York Life Insurance Company (71), that the mortality rate of those who when accepted are listed as moderate drinkers by the life insurance companies is 32 per cent higher than that of policy holders listed as abstainers. That some moderate drinkers as well as some abstainers may become heavy drinkers before they die is one of the risks of moderate drinking. The teaching of the life insurance figures to children is very much to the point.

Nor are the experiments of Pearl, Whitney, Noyes, and Finesinger on the lower animals conclusive enough for temperance teaching. In summarizing their results Dr. Herbert S. Jennings in his Forum article finds that with some animals alcohol eliminates normals, "leaving a greater proportion of abnormals."

He adds:

> If this should happen in man, with defects extending even to the third generation only, as in the guinea-pig, there would be matter for serious consideration.

> Do these results give a basis for practical measures in man? Obviously not.

As for Pearl's report about the longer life of moderate drinkers, it encounters the criticism of Eugene L. Fisk, M.D., Medical Director of the Life Extension Institute, as follows:

> The groups analyzed include 5,248 people about whom we have the vaguest possible information as to their condition of health at the ages they entered the classification, and the sub-groups upon which Professor Pearl has built his life tables are too small for such treatment. For example, there were 67 women in the female class of heavy drinkers. Fancy building a survivorship table on 67 people and deriving therefrom a generalization as to the effect of alcohol to be applied to the whole human race!

Professor Westergaard's Criticism

H. Westergaard, Professor of Statistics and Social Economy, University of Stockholm, has also paid his respects to Professor Pearl's book by declaring it "one of the most confused books I ever read," and that the method the author followed "is entirely wrong."

The conclusions of a book that receives such criticism, and differing so widely from the experience of life insurance companies covering millions of lives, need hardly be taught in the public schools.

A British report, that of the Medical Research Council on the action of alcohol on the human organism, makes a grudging and difficult concession—but only on physiological grounds—to the adult moderate drinker. In this it specifically excludes all consideration of the advantages of entire sobriety to efficiency, reliability, responsibility, mutual understanding and good will. The committee of the American Medical Association and the National Education Association, on the other hand, links together such considerations in urging that the schools teach total abstinence.

Teaching of Total Abstinence Justified

This committee would describe as intoxication the initial stages of gaiety, volubility or extravagance of speech, and slight clumsiness or inaccuracy in movement, as well as the later stages of staggering and stupor. It would hail such conclusions as that of Dr. Francis G. Benedict, of the Nutrition Laboratory, Carnegie Institution of Washington, in referring to experiments by Miles in that laboratory:

> His efforts to study alcohol and human efficiency led inexorably to the following statement: "There is no longer room for doubt in reference to the toxic action of alcoholic beverages as weak as 2.75 per cent by weight." No one who examines his protocols will care to take issue with him on this point. Clearly, dilution, even to 2.75 per cent, can-

> not solve the alcohol problem, nor can it alter our estimate of the effect of alcohol upon human efficiency (7).

In addition to the instruction in the schools, we have also that of the temperance organizations. Since Prohibition the educational officials of many States have expressed themselves as heartily intent on scientific instruction of temperance in the schools. Reasons given are that it is necessary to acquaint all children, and especially new-comers of foreign parentage, with the position the United States has taken against alcoholic drinks; that an intelligent public sentiment will prevent or overcome illicit manufacture and sale of alcoholic beverages; that there should be continued warning as to the dangers in wine and beer and in home-made fermented beverages.

Starting with no laws, no textbooks, practically no precedent, the temperance forces had so far won by the first years of the twentieth century that scientific temperance instruction was not only a recognized and legal part of the educational system of the entire country, but it had for its assistance a variety of textbooks published by standard publishers of school books, adapted to all ages of pupils, books whose teachings had kept pace with the scientific progress of the years. The current debate on the merits of Prohibition only serves to give this historical movement added momentum.

CHAPTER XVII

IN THE LIGHT OF CANADA'S EXPERIENCE?

WET VIEW

The Presidential campaign of 1928 witnessed an organized effort to persuade the American electorate of the advantages of the Canadian system of liquor control. In his speech of August 22, 1928, accepting the Democratic nomination, Governor Alfred E. Smith of New York said:

> Some immediate relief would come from an amendment to the Volstead law giving a scientific definition of the alcoholic content of an intoxicating beverage. The present definition is admittedly inaccurate and unscientific. Each State would then be allowed to fix its own standard of alcoholic content, subject always to the proviso that that standard could not exceed the maximum fixed by the Congress.
>
> I believe, moreover . . . in an amendment to the Eighteenth Amendment which would give to each individual State itself, only after approval by a referendum popular vote of its people, the right wholly within its borders to import, manufacture or cause to be manufactured, and sell alcoholic beverages, the sale to be made only by the State

> itself and not for consumption in any public place. We may well learn from the experience of other nations. Our Canadian neighbors have gone far in this manner to solve this problem by the method of sale made by the State itself and not by private individuals. . . . Such a method would continue to make interstate shipment of intoxicating beverages a crime. It would preserve for the dry States Federal enforcement of Prohibition within their own borders. It would permit to citizens of other States a carefully limited and controlled method of effectuating the popular will wholly within the borders of those States without the old evil of the saloon.

Intoxicating Liquors Are the Goal

That is, if the "scientific definition of the alcoholic content of an intoxicating beverage" permitted 2.75 per cent beer as non-intoxicating, the wets would have the Volstead Act so declare, and extend permission to any State so to declare. But Mr. Smith's proposed amendment to the Eighteenth Amendment would go further, in that it would permit the manufacture and sale of *intoxicating* liquors within individual States, as decided by popular referendum. This amendment would frankly substitute for Prohibition within such States the so-called Canadian or Quebec Plan of government dispensaries for the sale of fermented and spirituous beverages.

In presenting as the wet view the favorable aspect of the Quebec system, we shall quote liberally from a pamphlet prepared by the Association Against the Prohibition Amendment, entitled "The Quebec System. A Study in Liquor Control." This report says:

> The Quebec Liquor Commission has an annual turnover of $22,000,000 a year, and its inventories show from $2,000,000 to $4,000,000 worth of liquor on hand at different seasons of the year. The commission maintains two large warehouses, one in Montreal and one in Quebec, for the storage of liquor. In the Montreal headquarters the commission maintains a large plant for the bottling of wines and the commission's blends of whiskey. "At the same time," according to the sixth annual report of the commission, "the commission bottles twenty-three brands of wines and thirty-nine brands of spirits in its warehouses. Some of the products are sold under the commission's label; others with their original labels, that is to say, producers sell their goods to the commission in casks along with a supply of their own labels, knowing perfectly well that their products will be bottled by the commission under the best conditions possible, or, in other words, with the utmost integrity and unquestionable competency."
>
> The labels and wrappers are carefully guarded to avoid counterfeiting and to prevent their falling into the hands of bootleg-

gers who might use them to disguise spurious liquor.

The commission maintains a testing laboratory for the testing of liquor which it purchases to guarantee the genuineness of the brands offered and to prevent unsafe liquor being placed on the market. Tests are made of contraband liquor seized from bootleggers not only to ascertain its quality, but to trace its origin. . . .

An office is maintained by the commission in Paris for contracting directly with wine merchants in France, Spain, Portugal and other countries, and with distillers in England, Scotland and Holland. . . .

The commission maintains a police department to assist in the enforcement of the Alcoholic Liquor Act. . . .

Entirely different regulations are made for the sale of spirits, wine and beer. The commission which drafted the act proceeded on the theory that access should be made comparatively easy to the least intoxicating liquors and most difficult to those which are most intoxicating. . . .

While the act provides that spirits may be purchased only at government liquor stores, one bottle at a time, it is frankly admitted even by public officials that the latter provision is easily evaded. There is nothing to prevent a person from going from one store to another, purchasing an additional bottle of spirits in each store, nor to prevent him from returning to the same store several times during the day. The fact that no provision is made for the drinking of spirits in public, either at public bars or in restaurants and dining rooms with meals, is regarded by many interested in real temperance as a distinct achievement.

Wine may be purchased at government liquor stores in unlimited quantities. If purchased at government stores, however, it must not be drunk on the premises, but must be taken away in original bottles and packages. Wine may be served with meals in licensed hotels and restaurants, steamships, dining cars and private clubs. In a few special cases, wine may be purchased between meals in licensed hotels and steamships, to be drunk in private rooms.

Beer may be purchased in licensed taverns which are open all day. Beer may also be purchased in bottles, which must be taken away unopened, from licensed beer stores and groceries. Beer by the glass may be purchased with meals in licensed hotels, restaurants and clubs.

Hours of Sale

The act seeks to limit the consumption of liquor by regulating the hours of sale in different types of stores, hotels, taverns, restaurants and clubs.

Liquor stores operated directly by the commission, known as government liquor stores, are open from 9 A. M. to 6 P. M. on week-days, and from 9 to 1 on Saturdays. The commission, however, may permit stores to be open from 9 to 5 on Saturdays.

Wine and beer may be served with meals in licensed hotels and restaurants from 8 A. M. to 10 P. M. Hotels, however, are permitted to serve wine and beer on holidays between noon and 10 P. M., but restaurants are not. The provisions for the sale of wine and beer on steamships, in clubs and dining cars are the same as those applying to restaurants. Beer stores and taverns may sell from 8 A. M. to 10 P. M. Breweries may make deliveries between 7 A. M. and 6 P. M. No deliveries are permitted on holidays or Sundays.

Permits

Some of the Canadian provinces—Alberta, British Columbia, Ontario and Manitoba—require individual permits for the purchase of liquor. In Quebec, individual permits are not required. We cannot go into the merits of the individual permit system at this time. To avoid confusion with the system in effect in other provinces it should be noted that Saskatchewan, New Brunswick and Quebec do not require individual permits.

Interdicts

The Quebec act provides, however, that the commission may issue an interdict preventing individuals who use liquor to excess from purchasing liquor at any government stores or beer taverns. . . . Approximately thirty persons are interdicted each year.

Licenses

. . . The total number of licensed premises has increased from 1,861 to 2,973. Government stores have increased from 64 in the first year to 96 last year (*1927**) The total number of places where liquor is sold has increased from 1,925 to 3,069. In the first year of liquor control there were 80 places for the sale of liquor for each 100,000 population. During the last year there were 118, an increase of 47 per cent.

The commission in its reports points out that one of the accomplishments of government control has been the restriction of the number of places where liquor is offered for sale. The number of taverns under government control may be contrasted with the number of saloons in former days. Before government control there were 600 licensed saloons in Montreal. To-day there are 312 taverns.

Local Option

The privilege of excluding the sale of liquor by vote of local communities is still in effect under the present form of liquor control. Formerly the local communities voted on the question of issuing liquor licenses. By local option these communities can still exclude taverns, government liquor stores and beer stores. The commission may, however, receive mail orders for liquor from "no license" territory and it may license hotels for the serving of wine and beer with meals in "no license" territory.

There has been little change in local option territory since liquor control has been in effect. . . .

*** Italics ours.**

Taverns

In Quebec, British Columbia, Saskatchewan and Alberta provision is made for the sale of beer by the glass in public drinking places designated either as taverns or beer parlors. The other provinces—New Brunswick, Ontario and Saskatchewan—do not permit the sale of beer by the glass in public drinking places.

The subject of taverns and beer parlors is of particular interest to us because they are the nearest approach under government control to the return of the old-time saloon. Taverns differ in many ways from the old type of saloon. These points of difference are frequently ignored by extreme prohibitionists. In licensed taverns, beer only is sold and must be drunk on the premises. Wine or spirits cannot be secured either by the glass or by the bottle. No bar is provided, but provision is made for serving patrons at tables. The hours of sale are restricted from 8 A. M. to 10 P. M. These closing hours are strictly enforced. The penalty for violation is revocation of the license.

Taverns, therefore, differ from the old-time saloon in that only the mildest alcoholic beverage is sold, whereas in the old saloon wines, liquors and spirits of all kinds were sold along with beer. The requirement that beer must be drunk at tables is believed by some to be an improvement on the old bar, The limited hours of sale differ also from conditions in the old days when saloons were open from 6 A. M. to midnight or later. . . .

Consumption of Liquor

. . . The following table . . . gives the total and per capita consumption of spirits and wine for 1924-1927 inclusive and for beer from 1922-1927 inclusive.

Sales of Spirits, Wine, and Beer in Quebec

From Reports of the Quebec Liquor Commission

	Gallons of Spirits		Gallons of Wine		Gallons of Beer	
Year	Total	Per Capita	Total	Per Capita	Total	Per Capita
1922	......	....	......	....	22,563,008	9.40
1923	......	....	......	....	22,783,770	9.34
1924	775,991	.31	627,942	.25	26,228,488	10.57
1925	718,053	.28	716,025	.28	27,228,623	10.70
1926	743,817	.29	884,394	.36	26,521,327	10.35
1927	869,132	.33	1,181,219	.41	26,924,497	10.34

Without deducting the amount of spirits, wine and beer purchased by tourists and rum runners, the per capita consumption of liquors in Quebec is remarkably low. It will be noted that while the consumption of wine has increased at a rapid rate, the consumption of spirits decreased in 1925, but has risen slightly from 1925 to 1927.

. . . The Imperial gallon contains five American quarts. . . . . In the following table is given a comparison of the per capita consumption in the United States for the period from 1910-1914 with the per capita consumption in Quebec during the period of liquor control:

Imperial Gallons

	United States	Quebec
Spirits	1.17	.31 (1924–27)
Wine	.48	.34 (1924–27)
Beer	16.30	10.23 (1922–27)

Reduced to comparable figures, therefore, the pre-war per capita consumption of spirits in the United States was four times as great as that now prevailing in Quebec. The per capita consumption of wine, never high in the United States, was slightly higher than the present wine consumption in Quebec, while the per capita beer consumption was more than 50 per cent higher than present consumption in Quebec.

Consumption of Alcohol

From the figures of the actual consumption of spirits, wine and beer, we have calculated the probable per capita consumption of pure alcohol. We have assumed that the average alcohol content of spirits, wine and beer is as follows: spirits, 40 per cent; wine, 15 per cent; beer, 4.5 per cent. On this basis we estimate the approximate per capita consumption of pure alcohol for the last four years to be as follows:

	Gallons
1924	.64
1925	.64
1926	.63
1927	.67
Average	.66

> It should be pointed out, however, that no allowance has been made for tourist and rum-runner consumption, which is largely confined to spirits. The average consumption for the four-year period is .66 gallons. In the United States for the period from 1910-1914 the average per capita consumption of alcohol, calculated on the same basis, was 1.27 gallons, practically twice that now prevailing in Quebec (72).

DRY VIEW

"Legally possible in everything but its vitals" is the judgment of ex-Governor Smith's proposal given by Professor Howard Lee McBain of Columbia University in his book, "Prohibition, Legal and Illegal,"—so far as the proposal would permit the individual States to deal with liquor as they choose under "a scientific definition of the alcoholic content of an intoxicating beverage." Professor McBain adds:

> ### *No Leeway in Scientific Definition*
>
> No "scientific definition" of an intoxicating beverage could possibly fix an alcoholic content that would give the States any leeway worth striving for.
>
> As has been said, and as everybody, including Governor Smith, knows, even the most moderate wets want wine and beer that are in fact intoxicating by any kind of scientific definition. And they will be satisfied with nothing less. They cannot have this legally unless the Supreme Court can be induced to

> say that Congress has complete and final power to define (73).

This is the opinion of an authority on Constitutional law. An authority of equal weight in the scientific field is Dr. Walter R. Miles, whose classic researches at the Carnegie Institution of Washington are summed up in his study of "Alcohol and Human Efficiency." Dr. Miles states:

> There is no longer room for doubt in reference to the toxic action of alcoholic beverages as weak as 2.75 per cent by weight (74).

It is therefore on a further amendment to the Constitution—an amendment permitting in the individual States a trial of the Quebec System of control of liquors, frankly acknowledged as intoxicating, and dispensed by the government—that the wets must rely if their proposal is to bear any fruit. But such an amendment can be secured only by persuading thirty-six States, most of which are now dry.

A tree is known by its fruits. Has the Provincial Liquor System, now being tried out in its various forms in seven of the nine Canadian Provinces, served its declared purpose of decreasing the consumption of alcoholic liquors? Has it checked bootleggery? Has it diminished drunken driving of motor cars? Has it improved social conditions?

The study of Canadian liquor control made by the Association Against the Prohibition Amendment notes the frank admission by the officials that the restriction of purchase of spirits to one bottle at a time is easily evaded. It shows that wine may be bought at government liquor stores in unlimited quantities; that it may be purchased in hotels and on steamships between meals to be drunk in private rooms, thus permitting the old-time Raines law abuses; and that individual permits for purchase of liquor are not required in Quebec, Saskatchewan and New Brunswick. The interdict is almost a dead letter, being used against only thirty persons per year. Moreover, the Liquor Commission may, and does, invade the "no license" territory with consignments of liquor by mail and by licensing of hotels for the serving of wine and beer with meals.

TABLE 34

PERMITS GRANTED IN THE CITY OF MONTREAL

YEAR	Beer Stores	Taverns*	All Permits
1921–22	444	284	892
1922–23	518	301	981
1923–24	582	302	1,063
1924–25	612	306	1,129
1925–26	665	308	1,227
1926–27	733	312	1,332
1927–28	801	313	1,408
1928–29	839	313	1,423

---

* Including taverns in hotels.

SOURCE: Annual Report, Quebec Liquor Commission (76).

TABLE 35

PERMITS GRANTED—DISTRICT OF MONTREAL AND DISTRICT OF QUEBEC

YEAR	DISTRICT OF MONTREAL			DISTRICT OF QUEBEC			
	Beer Stores	Taverns*	All Permits	Beer Stores	Taverns*	All Permits	Total Permits
1921–22.............	773	418	1,642	100	81	219	1,861
1922–23.............	882	455	1,895	130	92	274	2,169
1923–24.............	1,010	467	2,098	154	100	301	2,399
1924–25.............	1,054	473	2,205	184	100	341	2,546
1925–26.............	1,139	485	2,392	203	104	377	2,769
1926–27.............	1,246	495	2,564	222	108	409	2,973
1927–28.............	1,331	502	2,688	246	111	448	3,136
1928–29.............	1,441	508	2,770	253	112	455	3,225

---

* Including taverns in hotels.

SOURCE: Annual Report, Quebec Liquor Commission (76).

The following facts have been gathered by Ben H. Spence (75), formerly of the Canadian Prohibition Bureau of Toronto, now Washington correspondent of the Toronto Star, from government reports, sworn evidence and official reports.

Increased Sales

In all the seven Provinces the sales under the government dispensary system have increased. The drink bill of the Province of Quebec rose from $50,961,941 in 1925 to $64,343,152 in 1927. The increase was for strong spirits as well as for beer and wines. According to official reports sent to Irving Fisher, liquor selling places increased from 1,861 in 1922 to 2,973 in 1927, to 3,136 for 1928, and to 3,225 in 1929.

TABLE 36

SALES OF WINES AND SPIRITS BY THE QUEBEC LIQUOR COMMISSION

YEAR	All Wines (Gallons)	All Spirits (Gallons)
1924–25	716,015.1	718,053.8
1925–26	884,394.3	743,817.4
1926–27	1,181,219.1	869,132.3
1927–28	1,433,878.5	910,873.6
1928–29	1,611,040.4	984,857.1
Increase in five years	125.0%	37.1%

SOURCE: Annual Report, Quebec Liquor Commission (76).

NOTE: The percapita sales, according to the Association Against the Prohibition Amendment (77), are on the increase:

PER CAPITA SALES IN THE PROVINCE OF QUEBEC

YEAR	All Wines	All Spirits
1924–25	.25	.31
1925–26	.28	.28
1926–27	.36	.29
1927–28	.41	.33

TABLE 37

LIQUOR SALES IN THE PROVINCE OF QUEBEC

YEAR	Beer Manufactured and Sold (Gallons)	Value of Sales of Beer Mfg. and Sold (Dollars)*	Sales by Government Stores: Spirits and Wines (Dollars)
1921–22	21,741,963	15,050,919	15,212,801
1922–23	22,017,521	13,369,885	19,698,773
1923–24	25,238,355	14,639,650	19,812,781
1924–25	26,111,658	14,467,494	17,887,588
1925–26	25,511,627	16,834,383	19,018,299
1926–27	25,812,338	18,743,163	22,425,136
1927–28	27,555,605	19,841,454	24,229,624
1928–29	27,909,277	21,202,393	27,007,430

---

* These amounts represent values upon which taxes were imposed. They do not represent the retail prices to the consumer.

Fiscal year ending April 30.

SOURCE: Annual Report, Quebec Liquor Commission (76).

The drink bill of British Columbia, under its government dispensaries, rose from $11,362,299.26

in 1925, to $13,805,089.50 in 1927. If the resale of beer sold to licensees be reckoned conservatively at 100 per cent profit, the 1927 figure rises to $15,996,573.40.

The drink bill of Alberta rose from $7,178,440.63 in 1924 to $12,109,849.48 in 1927, an expenditure of more than $20 per capita. Consumption of spirits rose from 114,000 gallons in 1925 to 151,000 gallons in 1927, an increase of 32.5 per cent in two years. Consumption of wines rose from 50,000 gallons in 1925 to 133,000 gallons in 1927. Consumption of beer rose from 2,283,750 gallons in 1924 to 3,625,500 gallons in 1927.

In Saskatchewan the drink bill rose from $7,812,674 in 1926 to $10,305,207 in 1927. Consumption of wine and spirits increased along with consumption of beer.

The total drink bill of Manitoba was $5,624,440.10 in 1925 and $8,473,696.49 in 1927. This includes an estimated price of beer to the consumer at $2.00 per gallon. Government store sales rose from $2,962,910.10 in 1925 to $3,793,772.49 in 1927.

In New Brunswick sales by vendors from November 1, 1926, to April 1, 1927, were $553,891.07. From May 1, 1927, to October 31, 1927, sales by the Liquor Control Board reached $1,085,895.82. By October 31, the new liquor-selling system was dispensing 714 per cent more liquor than was dispensed by the vendors under the system which it replaced.

The system in Ontario started with only 18 shops; by October 31, 1927, it had 80 in operation. At first the liquor was not sold direct by brewers. There were no brewers' warehouses. By October 31, beer was being sold in 11 such places and the number of wineries had increased. Beer was being dispensed to consumers through 1,102 licensed hotels, 541 licensed restaurants, 519 licensed shops, 86 licensed brewers' light beer warehouses, 84 licensed clubs, a total of 2,332 selling places. Official figures reveal that the sale of all liquors in Ontario for the last five months of the fiscal year of 1928 was 34.5 per cent higher than for the corresponding period of 1927.

Bootleggery

Attorney General Craig, of Manitoba, in defining the relation of bootlegging to the Government control of alcoholic beverages, says:

> Retail bootlegging has increased, due to the removal of the first main difficulty of any one proposing to deal illicitly with liquor, namely, the obtaining of supplies, a condition intensified by the fact that in addition to all former avenues of supply, such unlawful trafficker can now lawfully purchase liquor (from the Government) which he intends for resale, particularly in districts where obtaining liquor previously was always difficult and frequently impossible.

This relation is the same in all the liquor control provinces. The bootlegger is patronized by those who wish to buy liquor by the drink rather than take it home with them, and by convivial drinkers who wish to pay for their drinks as they drink them. Hon. L. B. Cordeau, Chairman of the Quebec Liquor Commission, says: ''Some people find it more fun buying from a blind pig than from a Government store and some would rather get it where there is a woman than drink it alone'' (75, p. 27). Bootlegging and immoral resorts go together. Then there are the Canadian youth. Permits to buy liquor are refused to all persons under 21. The bootleggers, whose problem of getting supplies is solved by the Government, can supply the youth with greater facility than is the case in the United States.

In Ontario, liquor is controlled only in theory. It is true that the buyer must have a permit. How the permit system functions can be gauged by the official records of two sisters. Sarah J. was ''permitted'' 19 bottles of whiskey and 42 quarts of beer in 17 days; her sister—probably more thirsty—was ''permitted'' 35 bottles of whiskey and 132 quarts of beer in one month. (75, p. 27.)

There is no record that they could not have bought more—had they wanted to. Yet, with this sort of ''control,'' Ontario has liquor law violations, bootleggers, illicit stills and other criminalities generally attributed only to American Prohibition.

In Ontario the convictions for breaches of the Ontario Temperance Act and the Liquor Control Act, month by month, show 1,681 convictions for the seven months prior to Liquor Control, and almost as many, or 1,614, during only the first five months of control. Since the Government stores and brewery warehouses have supplanted the wholesale bootleggers, this increase in convictions refers to the retail bootlegging. It is the activities of the retailer that count, for it is he who establishes contact with the consumer. The convictions for October, 1927, under the Liquor Control Act were 395, nearly double the 202 convictions for May, the last month under the Temperance Act. Under ''liquor control'' every hotel room becomes a potential saloon, because the definition of a ''private house,'' in which liquor may be held or disposed of without restriction, has been stretched to cover a hotel room. It covers also a pleasure boat and a temporary residence in a motor camp. Hotel proprietors, lessees, managers or employees are allowed to keep, have or give liquor without restriction as to persons to whom it is given or the hour when it is supplied. Having solved the problem of supply, bootleggers may now center their attention on the selling end, at which their success is real.

In Quebec the complaints of bootlegging have steadily increased from 2,929 in 1922 to 8,136 in 1927.

In British Columbia two methods have been suggested for combating the bootleggers—lengthening the hours of Government sale and lowering the price of liquor! Also, the liquor-selling Provinces have asked that the Dominion authority lower the excise tax, in order to permit them to outsell or undersell the bootleggers. All of these measures would amount to competition in sales and the increase of consumption of liquors—contrary to the avowed purpose of the Government system.

In Alberta the provision by which an habitual drunkard may forfeit his permit to buy, if he has one, or be interdicted if he has none, plays into the hands of the bootleggers. As more than two thirds of those interdicted during the four years, 1924-27, had no purchase permits, it is certain that every person with an alcoholic appetite and no permit is a prospective customer to any alert bootlegger.

In Saskatchewan a Provincial police officer recently said: "All the Chinese restaurants are bootlegging. They get their supplies from the Government store." Violations of the Liquor Act have increased by 111 per cent under Government control.

In Manitoba the Liquor Act convictions have risen from 793 in 1924 to 1,096 in 1926.

From this and other testimony Mr. Spence concludes:

> It is an inexorable law, always found oper-

> ative, that drinking and drunkenness are in proportion to the facilities afforded by which men who drink may obtain liquor. As facilities are increased, use, and the evils consequent upon use, are increased also. There is no gainsaying the fact that compared with Prohibition, under all these Government Sale systems, greater facilities are afforded for sale by the producers and purchases by the consumers, and there has been an enormous increase in the quantity of liquor used, and therefore of the evils which inescapably follow. (75)

It will be recalled that bootleggery broke down the operation of the South Carolina Dispensary Law, which was succeeded by State-wide Prohibition in 1916. That it is a chief problem of the Quebec provincial dispensaries is evidenced from the following extract of the report of the Quebec Liquor Commission, July 1, 1927:

> The number of notorious resorts (Blind Pigs) of the City, definitely closed, has considerably increased, this being due to the efficient work of our Night Raiding Patrol and to the enforcement by the Municipal Police of the ''Padlock'' Law in certain cases. To the application of this law, we have given all our attention and our entire co-operation.
>
> ### *Night Clubs and Road Houses*
>
> Naturally, there still exist in Montreal, as in all large cities, night clubs and other places known as ''road houses,'' but altogether it

> might appear impossible to completely abolish them; we are doing our utmost to reduce them to a minimum.
>
> Superhuman efforts were made to have the regulations observed in the country, as is shown by our report entitled "Stills." During the year, one hundred and sixty-four (164) investigations with reference to stills and seizures were made, as compared to thirty-two (32) the previous year, thus making an increase of one hundred and thirty-two (132). Moreover, our Secret Service Inspectors were occupied verifying all and each of these complaints relating to illicit manufacture received during the year.
>
> ### *Law Loosely Observed in Cities*
>
> Even taking into account the great number of stills seized, we consider that the law is more strictly observed in the Rural Districts; and we have come to this conclusion basing ourselves on the fact that fewer cases have been brought up during the last year than during preceding years (76).

As this book goes to press the Eighth Annual Report of the Quebec Liquor Commission reached us. This report shows that the sales of wines in the last five years, 1924-25 to 1928-29, have increased 125.0 per cent, and the sales of spirits have increased 37.1 per cent. From the same book we are copying the following paragraphs from the report made by the Police Department to the Liquor Commission;

District of Montreal

At the beginning of the fiscal year we had eleven hundred and sixty (1160) complaints on hand and received during the year a total of sixty-two hundred and ninety-one (6291) complaints, a grand total to be investigated of seventy-four hundred and fifty-one (7451).

Of these, the Department has handled sixty-two hundred and forty-three (6243), bringing to a completion sixty-one hundred and seventy-four (6174) of these, and having but sixty-nine (69) cases pending in Court. In the previous year, we had completed sixty-one hundred and fifteen (6115) investigations so that this report covers an increase of one hundred and twenty-eight (128) investigations taken care of, as compared with 1927-28.

The total number of complaints received during the year (6291) compares favorably with the total for the previous year, which was 6,527.

. . . .

Both the local Preventive Service Department and our own Police Department have been doing everything humanly possible to curb the flow of alcohol in our district with a certain amount of success as indicated by the number of seizures made by us.

Most of these have been "small fry," however, and no great success has been met with in regard to the source of supply. We do not consider that any quantity of imported alcohol is on sale in this District but are practically certain that the source of supply here is none other than the many distilleries in the vicinity.

Neither the Preventive Chief, in Montreal (who, by the way, is chiefly interested in this traffic) nor myself can, as yet, discover the method in use to get this alcohol out of the distilleries in the face of the fact that periodical examinations of the books always shows them in balance.

. . . .

My personal opinion is that the present Excise duty is very much too high and so long as it remains at $9 per gallon, when bootleggers are offering alcohol for $4.50 per gallon, you can realize that it is impossible for legitimate business to compete and correspondingly impossible to stop the flow of illicit alcohol.

. . . .

During the year, the Department was obliged to face a flood of spurious bottled whiskey which made its appearance on the market. It consisted of some of the better known brands and, after considerable time and expense, we succeeded in locating a very elaborate bottling and blending plant on the outskirts of the City of Montreal. The parties involved fled from our jurisdiction and our warrants are still awaiting service.

. . . .

In remote country districts, there is considerable water power development going on, which always carries with it a number of people who thrive on the sale of liquor to the workmen. Our attention has been particularly centered on this matter with satisfactory results.

Cancellation of Permits

> During the year, fifty-five (55) permits were cancelled as compared with forty-five (45) last year. The increase was mainly due to the avowed purpose of the Commission to wipe out Sunday selling (76, 1929).

Experience in Quebec

It is significant in the report of the Quebec Liquor Commission that the consumption of wine has gradually increased by 125.0 per cent since 1924, and that there has been a steady increase in the consumption of spirits of 37.1 per cent since the system was instituted; also, that the consumption of spirituous liquor has more than kept pace with the beer sales. If the purpose of government sale was to diminish alcoholic consumption and especially to divert the consumption of spirits to the drinking of lighter alcoholic beverages it is a flat failure. The figures for 1924-29 are to be found on page 337.

The Tavern

The place which the saloon filled in the social life of the Quebec cities is displaced through the Quebec law by the tavern. Here, only beer can be sold, but it is full-strength beer. The customer may not drink his glass while he is standing up, but must sit down at a table. There is no limitation in the amount that he may drink, and "treating'' is permitted. Women as well as men may drink in the tavern; and beer, as well as liquor in the dispensaries, is lawfully sold to youths who ''appear'' to be 18 years old.

The chief distinctive feature of the tavern is that a man may not lawfully mix his drinks. This probably does reduce drunkenness. Of course a group of men will drink as much beer while sitting as while standing up, perhaps more. This method of drinking offers peculiar opportunities to the harlot to ply her trade. The taverns are at least as numerous as the old saloons, and are located wherever trade will support them. They are plentiful in those sections of the city that can least afford to maintain them. In most taverns there seems to be a reduction in price when several glasses of beer are bought. It is a common sight to see a waiter serve a customer, not with the ordinary ''stein,'' but to serve six ordinary table tumblers filled with beer as a single order.

The Government Stores

The Quebec dispensary system is different from that of Ontario. In Ontario one needs a permit which permits buying practically unlimited quantities at one and the same time. Under the Quebec system only one bottle of liquor can be bought at one time. Furthermore, there are no taverns in Ontario.

The liquor commissioner blends the liquor which he sells, mixing imported with native or with grain alcohol, and usually dilutes the finished product. In addition to furnishing an easy source of supply to the alcoholic, the system is open to the objection that it encourages bottle "toting" and that having liquor on the person or in the house makes it easy to drink to excess. The commissioners deliver liquor by mail or express to customers in local-option territory, in which nearly half of the population lives. The increase in number of arrests for violation of liquor laws, the steady increase in bootlegging and illicit distilling are much in evidence, and the commissioners frankly state that they are unable to eradicate it.

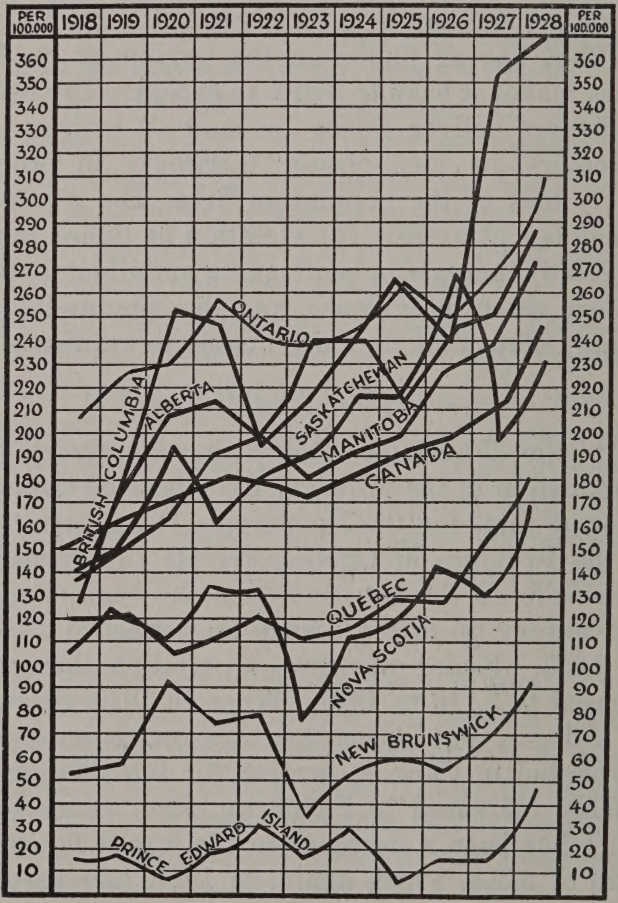
Arrests for Intoxication

On page 351 a table is given showing arrests for intoxication in the different Provinces of Canada, also the total for the Dominion. It appears that in the Province of Quebec, arrests for drunkenness were on the increase from the beginning of the century up to 1917, when they reached a total of 8,025. Under war-time prohibition these decreased to 7,116 in 1919. When in 1920, through an order-in-council, the war-time restrictions were abrogated in Canada, arrests for intoxication in Quebec increased to 11,863 in 1920. Since then there has been a decrease to the lowest figure in 1926 of 5,364, which again, in 1927, increased to 7,000.

GRAPH 12

CONVICTIONS FOR INDICTABLE OFFENSES IN THE PROVINCES OF CANADA

(Rate per 100,000 Population)



Reproduction of Graph on page 89 of Eighth Annual Report of the Quebec Liquor Commission.

TABLE 38

CONVICTIONS FOR DRUNKENNESS IN THE PROVINCES OF CANADA

Years	Prince Edward Island	Nova Scotia	New Brunswick	Quebec	Ontario	Manitoba	Saskatchewan	Alberta	British Columbia	Yukon	Northwest Territories	Canada
1876	689	98	313	4,378	5,213	....	....	....	383	..	....	11,074
1886	359	667	1,290	2,367	5,453	631	....	....	389	..	....	11,156
1896	129	1,651	1,238	4,275	2,624	573	....	....	580	..	225	11,295
1906	120	2,919	1,843	4,802	7,459	3,905	....	....	1,697	..	2,365	25,110
1916	219	3,614	1,696	7,108	11,728	3,114	1,032	1,809	2,327	53	.....	32,730
1917	207	2,546	1,516	8,025	10,945	1,085	770	391	2,372	25	.....	27,882
1918	96	2,435	704	6,680	7,932	1,123	434	825	778	19	.....	21,026
1919	116	2,879	1,350	7,116	8,498	1,570	618	1,057	1,004	9	.....	24,217
*1920	120	3,140	1,882	11,863	15,021	2,330	919	1,536	2,948	10	.....	39,769
1921	144	2,156	1,264	9,944	14,498	1,429	708	1,838	2,379	2	.....	34,362
1922	162	1,492	1,088	7,103	10,063	1,623	816	1,608	1,081	12	.....	25,048
1923	164	1,392	1,074	6,260	11,370	1,680	884	1,277	1,443	21	.....	25,565
1924	94	1,456	1,176	6,146	12,993	1,948	505	1,464	1,545	11	.....	27,338
1925	112	1,466	1,171	6,342	11,811	1,948	668	1,374	1,844	15	.....	26,751
1926	168	1,898	1,234	5,364	13,752	1,871	487	1,413	2,114	6	10	28,317
1927	182	2,053	1,397	7,000	14,334	1,883	618	1,182	2,496	26	.....	31,171
1928	263	2,176	1,285	6,362	15,931	1,863	1,014	1,538	2,758	34	.....	33,224

* War-time Prohibition throughout Canada was rescinded in 1920 by an order-in-council terminating many war-time ordinances. This placed upon the Provincial Legislatures the control of the Liquor Traffic. The Provinces of Prince Edward Island and Nova Scotia retained Prohibition, while the other Provinces adopted Government sales. Legislation as follows:

In 1921 British Columbia and Quebec, 1923 Manitoba, 1924 Alberta. In this year Ottawa by popular vote favored Prohibition.

In 1925 Saskatchewan and Newfoundland adopted Government sales, while the Ontario Legislature legalized "4.4" beer. In 1927 Ontario and New Brunswick adopted Government sales. In 1929 Prince Edward Island by popular vote retained Provincial Prohibition.

SOURCE: Annual Report, Quebec Liquor Commission (76).

For the whole of Canada there was a decrease in arrests for intoxication from 32,730 in 1916 to 21,026 in 1918 and 24,217 in 1919.

With the repeal of Dominion war-time restrictions, the arrests jumped to 25,048 in 1922, and have since been steadily on the increase.

The report of 1927 shows for the Dominion 31,171 arrests due to drunkenness.

Health Conditions in Quebec

Vital statistics for the Province of Quebec show the death rate for tuberculosis to be 80 per cent higher than that in the rest of the Dominion of Canada. For pneumonia the death rate is 70 per cent higher. For nephritic diseases it is 80 per cent higher. While deaths from alcoholism and cirrhosis of the liver are only in small part recorded, the records show the rates to be much higher—40 per cent higher than the rates of the remaining sections of Canada.

That alcohol is considered one of the major sources of ills is best shown by the accompanying illustration taken from ''Principles of Hygiene'' (76), published by the Government of the Province of Quebec, the Provincial Bureau of Health, and paid for, in part at least, with revenue from liquor sales.

Social Conditions

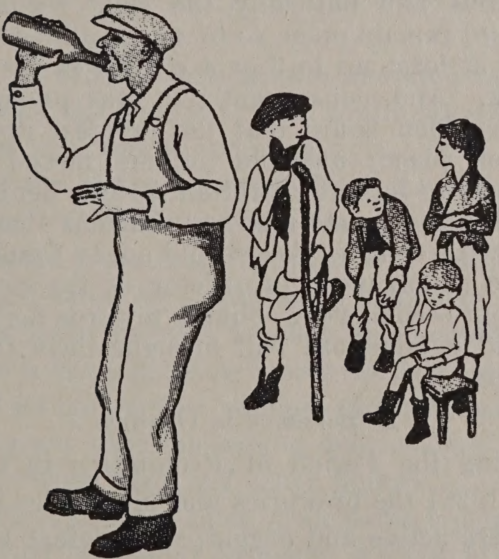
Alderman A. Desroches declared at a meeting of the Montreal City Council, February 7, 1928:

> Arrests for drunkenness in Montreal during 1927 were 50 per cent greater than in

ALCOHOL

The **DRUNKARD** is subject to Tuberculosis, Venereal Diseases, Delirium Tremens, General Debility.

The DRUNKARD has children threatened with Tuberculosis, Rickets, Insanity, Epilepsy.



ALCOHOLISM

MEANS DEATH TO THE NATION

Reproduction of page 13 of "Principles of Hygiene," second edition, published by The Government of the Province of Quebec, The Provincial Bureau of Health, Quebec.

> 1926. Of late a number of young girls of good families have been found in ''dives,'' and the evil arises from the ''blind pig.''

Justice Coderre, of the Supreme Court in Montreal, after an investigation of the Montreal police, says:

> The proof reveals that, in defiance to the by-laws, certain of these establishments (cafés and naturally the least recommendable) remain open, so to speak, all night long, or at least up to 3 or 4 o'clock in the morning. And, consequently, it was precisely at forbidden hours that the greatest disorders took place; alcoholic liquors flowed freely and forsooth at exorbitant prices, denizens of the demi-monde made rendezvous there, and when by chance they would not be found, well, the manager or proprietor of the establishment became very obliging towards his clients, and a telephone call brought them in numbers.

Experience in Ontario

During the Period of Prohibition in Ontario (1917-1926) the breweries and distilleries in Canada were active and organized to defeat Prohibition by pouring in bootleg liquor and could not be prevented from doing so by provincial law. It is a wonder that Prohibition succeeded at all under such conditions.

Yet there was a fall in the death rate of Ontario during these years (1917-1927) of 12 per cent. Chiefly conspicuous is the decline in the diseases aggravated by alcoholism. Tuberculosis fell one-third, pneumonia one-fifth, while deaths from alcoholism fell one-half. In Toronto arrests for drunkenness decreased by more than one-half in the face of increasing population and stricter standards of public order. Economic conditions directly traceable to Prohibition quite manifestly improved.

But in 1924, following the example of other Provinces, the question of the continuance of Prohibition was put to popular vote. The ballots offered the choice between Prohibition and Government "Control"; this term was a misnomer and should have read "government sale." The Province voted dry. But the Parliament elected on this issue refused to obey the mandate and enacted a law legalizing beer with an alcohol content of 4.4 per cent by volume, and later establishing brewery warehouses and dispensaries for the sale of strong beer and other liquors.

That government sales of alcoholic liquors have not solved the liquor problem in Ontario is best attested by the following pronouncements of representative Canadians.

The following is an extract from the report of the Chief Constable of the City of Toronto for the year 1927:

> However, in spite of the activity of the police, illicit liquor selling by the glass or in small quantities is still evident, chiefly by reason of individuals being able to buy large quantities daily from the Stores; these amounts being excessive in many cases and beyond what they could be expected in their homes, proving a sale is much more difficult than under the old act.
>
> There were 1,078 prosecutions under both liquor laws in 1927 as against 1,117 in 1926.
>
> Fines for drunkenness amounted to $127,283 in 1927, as against $48,644 in 1926.

Motor Accidents

The increase in motor accidents may be judged from the accompanying table. It is only cases of those who are called ''drunk'' that appear in the courts. But Judge Fisher, of Brampton, in charging a jury, said:

> It is impossible, in my estimation, to take one drink and manage a car properly. The man who takes two, or even one drink cannot handle his car or himself as well as the man who has taken none.

In sentencing the driver of a truck who was found guilty of manslaughter for running over a four-year-old child in October, 1927, Justice Riddell of Montreal said:

> You had obscured your mind and judgment by drinking alcoholic liquor. No doubt you

> thought you were sober—that is a matter of definition—the fact remains that you were not, and very few having recently taken even a little liquor are fit to drive a car.

At the annual meeting of the Ontario Motor League on February 20, 1928, Hon. G. S. Henry, Minister of Highways, said of the record of 1927:

> Reckless driving convictions increased from 2,300 to 3,200, and driving while drunk, from 277 to 480.

At the Century Club of Toronto, Mr. J. E. Hetherington is reported October 8, 1927, to have said:

> If you would abolish accidents, then you should abolish Government Control. Accidents due to drunkenness have increased tenfold since Government Control was introduced.

Magistrate Hopewell of Ottawa is recorded as saying:

> The time will come when no man will be given a license to drive an automobile unless he is an abstainer from liquor.

In contrasting prosecutions for the violation of liquor laws in the United States and Quebec, we find the following data:

TABLE 39

PROSECUTIONS FOR VIOLATIONS OF LIQUOR LAWS

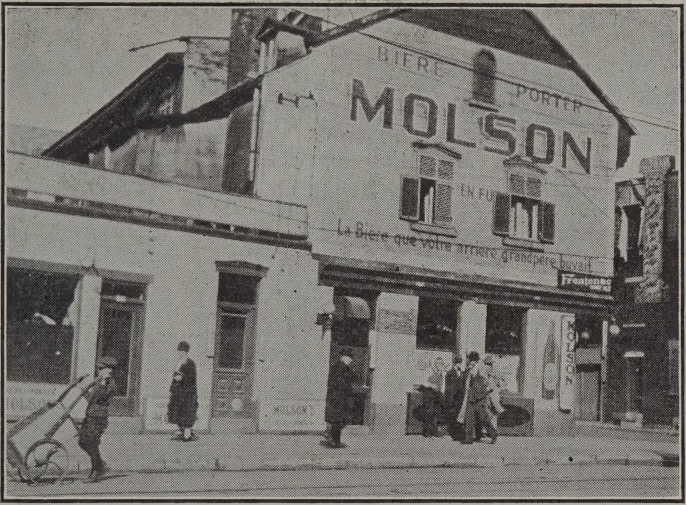
YEAR	United States	Rate Per 100,000 Pop.	Province of Quebec	Rates Per 100,000	
				In Province	In Towns
1927..........	40.709	34.3	3.036.........	128.5	259.6
1928..........	55.729	46.4	2.944.........	124.5	248.6

It would appear from this table that while in the United States for the last two years 34.3 and 46.4 people, respectively, were prosecuted for violation of the liquor laws for every 100,000 population, the prosecutions in the Provinces of Quebec for these same years were 128.5 and 124.5 respectively, per 100,000 population, for 1927 and 1828, based on the population for the whole Province.

If the rates, however, are based on the populations in towns and cities holding licenses, then we find for every 100,000 people that 269.6 were prosecuted in 1927 and 248.6 in 1928 for this cause—or more than five times the ratio of the United States.

A similar contrast with the number of stills seized by Government officials in the United States and in Canada, shows 16.26 stills confiscated for every 100,000 inhabitants in United States against 1.18 in the Province of Quebec for the year 1928. The rates for 1927 were 10.01 for the United States and 1.88 for Quebec.

Why should there be any stills seized in Quebec when anyone can buy all the beer, all the wine and all the distilled spirits which one wants?


BIERE
PORTER
MOLSON
EN FU
La Biere que votre arriere grandpere buvait
MOLSON

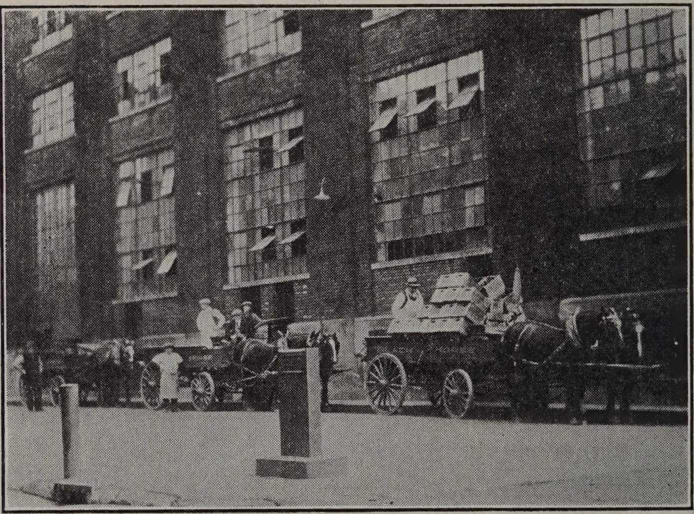
INSTEAD OF THE SALOON, THE "TAVERN," IN MONTREAL

HOME BREWING SUPPLIES
IMPERIAL MALT EXTRACT

GOVERNMENT DISPENSARIES HAVE NOT ABOLISHED "HOME BREW" IN TORONTO

RESTAURANT
FREE BEER
A large glass of beer will be given Free with each meal over 30 cents

A BEER RESTAURANT IN MONTREAL



BREWERY TRUCK COMES INTO ITS OWN IN MONTREAL

CHAPTER XVIII

IN THE LIGHT OF BRITISH EXPERIENCE?

Although suppressed during the election that seated a Labor government in 1929, the issue of Prohibition in Great Britain is well defined, and, in view of the pledge of the government to constitute a Royal Commission of Inquiry, it may at an early date become dominant.

Meanwhile, the wets in the United States are pointing to averages of liquor consumption and of liquor convictions in Great Britain which, while higher than those that prevailed during the war, are nevertheless lower than the pre-war averages, thus justifying a highly taxed traffic under government regulation as preferable to Prohibition. The political situation as regards liquor just prior to the 1929 elections is thus described by P. W. Wilson, correspondent of the New York Times, in its issue of May 19, 1929:

> For sixty years the liquor issue has been latent in Great Britain. To-day that issue is alive. It is a factor in the general election now proceeding. It is so awkward a factor that the party leaders have formed themselves, as polling day approaches, into a conspiracy of reticence on the subject. Hecklers

are to be told, as Asquith would have put it, to ''wait and see.''

What has forced the issue to the front is Prohibition in the United States. Of the great experiment there are various and not always flattering accounts. But it is taken seriously. Industrialists, faced by foreign competition, desire efficient labor, and women, long-suffering from intemperate and extravagant men-folk, have the vote. The jury is no longer masculine. It is mixed.

The three parties assume diverse attitudes. Prime Minister Baldwin, representing the Conservatives, has declared for *laissez-faire.* He leaves the problem to be solved by the individual.

The Labor Party is acutely divided. Some leaders—for instance, Arthur Henderson and Philip Snowden—voice what has been called the non-conformist conscience. But the party as a whole has no intention at present of robbing the poor man of his beer. The official policy seems to be to institute an inquiry into the subject by means of a Royal Commission.

The Liberal Party, true to its not very popular tradition, is in favor of what in the United States would be called a policy of moderate restriction, including local option.

The Economic Aspect

The economic aspect of the issue in Great Britain is summed up in the following article appearing in the editorial columns of the New York Times, May 11, 1929:

Mr. George B. Wilson, editor of the Year Book of the United Kingdom Alliance, has contributed to the London Observer a series of statistics concerning the expenditure for drink in Great Britain. They are ''challenging in their magnitude,'' whatever one's view may be of governmental control. To begin with his conclusion, the savings of the smaller class of investors, as measured by the various thrift agencies, are only 2¾ per cent at most of the total wage-earned income for the period of the present Parliament, while 12½ per cent of that income has been spent on drink.

The expenditure per head of the population in the single year 1928 was $32, which was a few shillings under that of the preceding year. But if the 10,000,000 (including total abstainers) whose total expenditure does not exceed $10 each were left out of the reckoning, the average for the nearly 20,000,000 remaining persons over 18 years of age would be about $65 per head. The one encouraging fact revealed by the statistics is that, after all, there has been decreased consumption as compared with the period just before the war. The New York Times' London correspondent states that, though there was an increase in population between 1913 and 1928 of about 7 per cent, the per capita decrease in the use of spirits has been 59 per cent and of beer 30 per cent. But there has been an increase in the use of wine, though that, too, is beginning to decline on account of new import duties.

> The total expenditure for alcoholic liquors in 1928 is put at approximately $1,500,000,000 and by Mr. Wilson for the period January 1, 1913, to February 2, 1929, at more than $20,000,000,000. The total unemployment benefit paid out in the same period was $1,850,000,000. This means that the amount spent for drink was more than ten times what the government paid in unemployment "doles." As to the employed, it is estimated that six weeks of the collective labors of the wage earners were spent in providing the cost of drink consumed by them and their families—leaving the earnings of only forty-six weeks to provide for rent, food, clothing, medical care, comforts and savings.

Wet View

A cable dispatch to the New York Times of April 21, 1929, by Charles A. Selden, gives the following account of progress in temperance achieved by Great Britain since 1913:

> By piecing together various questions and answers put and made in the House of Commons during the past week since Winston Churchill, Chancellor of the Exchequer, said in his budget speech that England was drinking less, one gathers evidence that makes a good showing for temperance.
>
> Without any disorder or law violations, and, of course, with no poison liquor incidents and no protests about interference with personal freedom, this country is gradually

but continuously becoming more moderate in the use of alcohol.

The gallon and barrel figures for last year, as compared to 1927, show a falling off of 20 per cent in the consumption of wines, a 3.75 per cent decline in the consumption of whiskey and gin, and a 1.50 per cent decline for beer.

The explanation of the wine decrease is the most obvious of all and is found in the fact that there was an increase in the import duty last year of from three to eight shillings (about 75 cents) a gallon. Hard times and unemployment were apparently not much of a factor in the general drink situation, or there would have been a greater drop than the 1.50 per cent for beer, which is primarily the wage-earners' favorite beverage.

The decline in per capita expenditure for drink was $1.75. From the figure of 1927 to $32 last year, but despite the decrease the total drink bill for a population of 45,000,000 was still a sizable item. The figures for last year were about $1,500,000,000, divided as follows: $930,000,000 for beer, $403,000,000 for spirits, and $100,000,000 for wine.

More encouraging from the temperance point of view than the recent falling off in the use of alcohol is the great decline since immediately before the war. Although there was an increase in population in 1908 over 1913 of about 7 per cent, the decrease in the use of spirits for that period has been 59 per cent and the decrease for beer since 1913, 30 per cent.

> On the other hand, wine shows an increase, as compared with 1913, of 16 per cent, but the use of wine is already beginning to fall off materially because of the new import duty.

Convictions for drunkenness in England and Wales showed a steady increase from 1910 to 1913, then a tremendous decrease due to war restrictions, and a gradual and steady rise since the war, with a marked reduction since 1924. During 1928 convictions were roughly a little over one-third of 1913. The subjoined data give total convictions for drunkenness in England and Wales:

TABLE 40

CONVICTIONS FOR DRUNKENNESS IN ENGLAND AND WALES

YEAR	Convictions	YEAR	Convictions
1910	161,407	1920	95,763
1911	172,130	1921	77,789
1912	182,593	1922	76,347
1913	188,877	1923	77,094
1914	183,828	1924	79,082
1915	135,811	1925	85,077
1916	94,191	1926	67,126
1917	46,410	1927	65,166
1918	29,075	1928	55,642
1919	57,948		

SOURCES: Alliance Year Book and Temperance Reformers' Handbook (77). Statistical Abstract (83).
Licensing Statistics (78).

In alcoholic mortality, also, the rates for alcoholism and cirrhosis of the liver have declined notably; that for alcoholism being in 1926 one-fourth of that for 1913, and the rate for cirrhosis of the liver in 1926 being 40 per cent of the rate in 1913. Following is the table from 1911 to 1926, inclusive:

TABLE 41

DEATH RATES FROM ALCOHOLISM AND CIRRHOSIS OF THE LIVER IN ENGLAND AND WALES

Rates Per 1,000,000 Population

YEAR	Alcoholism	Cirrhosis of the Liver	YEAR	Alcoholism	Cirrhosis of the Liver
1911	45	101	1919	10	41
1912	45	104	1920	15	46
1913	52	109	1921	17	47
1914	53	112	1922	16	46
1915	43	105	1923	14	42
1916	29	89	1924	14	42
1917	19	70	1925	13	44
1918	10	51	1926	13	44

SOURCES: Alliance Year Book and Temperance Reformers' Handbook (77).
Vital Statistics (79).

Following is an estimate of absolute alcohol consumed in the United Kingdom, 1913-1926:

TABLE 42

CONSUMPTION OF ABSOLUTE ALCOHOL IN THE UNITED KINGDOM

YEAR	Abs. Alcohol Consumed (Million Gals.)	YEAR	Abs. Alcohol Consumed (Million Gals.)
1913	92	1920	69.5
1914	89	1921	61
1915	81	1922	53.5
1916	73	1923	51 (a)
1917	45	1924	54 (a)
1918	37	1925	54 (a)
1919	60	1926	52 (a)

(a) Great Britain.

SOURCE: Alliance Year Book and Temperance Reformers' Handbook (77).

From 1900 to 1914 there was a slight decrease in production of beer for the United Kingdom; during the war production fell to almost one-third in 1919. In 1920 it increased about 100 per cent in England and Wales, and since 1922 it has fluctuated between seventeen and nineteen and one-half million barrels, with a slightly decreasing trend. Production in the post-war period is roughly only two-thirds of the pre-war period in England and Wales. In Scotland the level has increased since 1920, and in 1927, was only slightly below the average pre-war period. But for Great Britain as a whole post-war production of beer has averaged about two-thirds of pre-war.

In the case of distilled spirits, on the other hand, while there was a drop from the pre-war level of between twelve and thirteen million proof gallons in England to about one-third in 1919 and 1920, it has since risen to 10,614,000 proof gallons in 1927. In Scotland there has been a post-war increase approximating and for several years somewhat exceeding the production of pre-war years, but a dropping off in production for 1927, when only sixteen and one-half million gallons were produced against twenty-six million in 1926 and more than twenty-seven million for each of the preceding three years. In Ireland, also, production of distilled spirits has gone back to the pre-war level; but for Northern Ireland there has been a steady decrease in production.

For the United Kingdom as a whole, there was a production between 43 and nearly 60 million proof gallons of distilled spirits yearly from 1900 to 1917; but in the post-war period there has been a downward trend to slightly below two-thirds of pre-war production.

The United Kingdom is pre-eminently a beer-consuming country. Though there has been a falling off in the consumption of wine preceding the war period, and reaching the maximum point in 1917, yet the wine consumption since 1924 is approximately as high as it was from 1900 to 1903, and generally higher than any year since 1901, with the exception of 1919.

The consumption of distilled spirits has fallen off steadily. The high average of about one gallon per capita in the first decade of the century was reduced by about one-third in the second, and has been reduced one-third more, on an average, in the last ten years. The trend is definitely a downward one. The consumption of beer showed an upward trend from 1860 to 1875, receding to a low level from 1880 to 1888, and increasing gradually to a high level in 1899 and receding steadily with slight exceptions until 1914. Then during the war period it decreased from an average consumption of over twenty-seven gallons per capita to a low level of less than ten gallons in 1918. Since then, however, it has risen to an average of about seventeen gallons per capita.

DRY VIEW

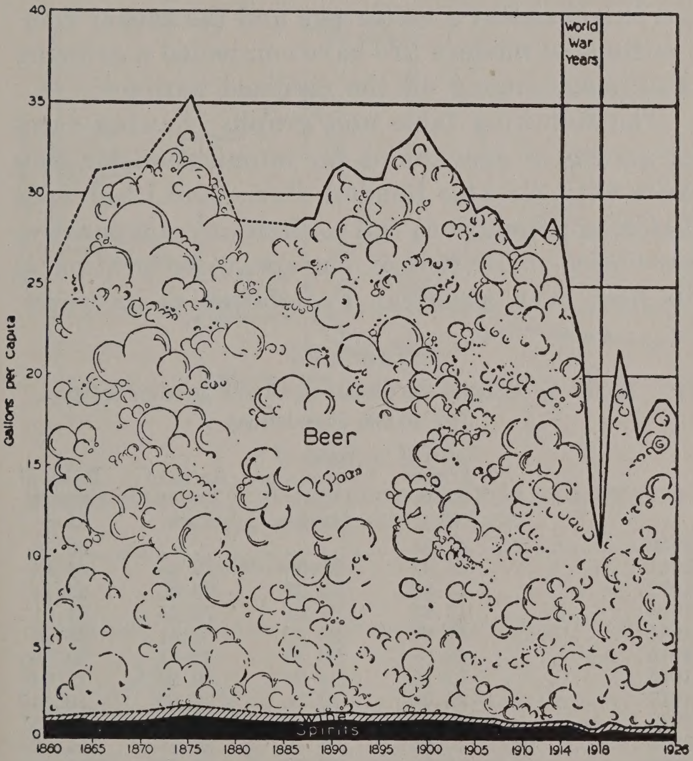
In the view of British and American drys, it is not enough for the wets to prove that Great Britain has become more moderate in its indulgence in alcoholic beverages since the pre-war period, or even that, in some respects, conditions at their best in Great Britain, under a highly taxed traffic, are comparable with Prohibition at its worst in the United States.

It is precisely because Prohibition sentiment waxes stronger as gains are made in the movement for moderation and abstinence, proceeding from the spread of restricted and no-license areas to prohibitive measures by States, that it finally became embedded in the American Constitution. It is the settled conviction of the drys, as shown in repeated Congressional and Presidential elections which have returned growing majorities pledged to uphold the Prohibition laws, that Prohibition following the "new broom" period can survive the worst reaction; that it can meet the sophistication of its violators with more seasoned measures of enforcement and better-buttressed rulings of the courts, and with more effective local sanctions.

The following graph shows the per-capita consumption of alcoholic beverages in the United Kingdom. This should be compared with the graphs giving similar data for the United States as found in Chapter XIV on page 287.

Graph 13

PER CAPITA CONSUMPTION OF SPIRITS, WINE AND BEER IN THE UNITED KINGDOM



By its war-time and post-war restrictions Great Britain has got a foretaste of the great moral and economic gains that are possible with Prohibition. It is significant that British sentiment should now be forcing the Prohibition issue upon the politicians at just the time when greater abstinence from alcoholic beverages is being reasserted after the post-war reaction. As in wet New York City, the exigencies of a motor age and the keener competitions of modern life have compelled a growing abstinence among all the civilized nations.

The following table and graphs showing rates of arrests or convictions for intoxication for New York City, Greater London, Paris, and Liege (per 10,000 of population) fail to show any comparative excellence in British or European moderation at its best, over American Prohibition at its worst:

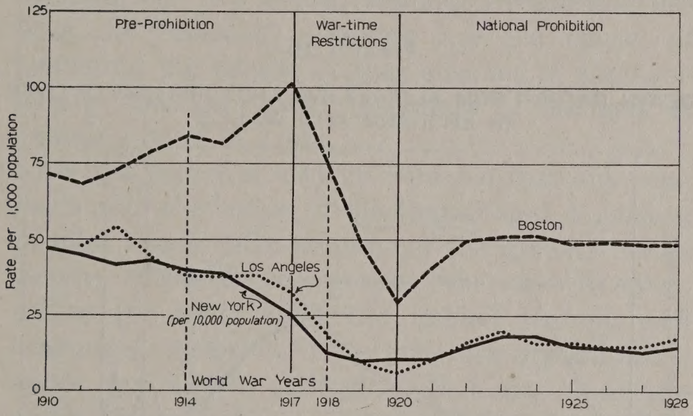
TABLE 43

RATES OF ARRESTS OR CONVICTIONS FOR INTOXICATION
(Per 10,000 Population)

YEAR	Rates of Arrests New York City	Rates of Convictions Greater London	Rates of Arrests Paris	Rates of Arrests Liege
1910	47.21	.....	.....	66.73
1911	45.32	77.09	79.84	65.65
1912	41.80	82.37	93.90	65.14
1913	43.25	89.74	70.05	61.61
1914	39.67	92.42	62.81	35.41
1915	38.88	70.59	42.41	26.50
1916	32.39	39.91	39.28	12.64
1917	25.00	22.78	37.65	10.54
1918	13.01	13.68	28.95	4.83
1919	10.04	28.32	27.76	11.42
1920	10.56	40.76	40.05	27.83
1921	10.93	37.15	44.00	34.71
1922	14.81	41.76	51.68	52.26
1923	18.11	40.51	55.69	61.77
1924	18.34	41.32	48.62	63.80
1925	14.83	39.59	.....	.....
1926	14.26	38.41	.....	.....
1927	12.90	.....	.....	.....
1928	14.63	.....	.....	.....

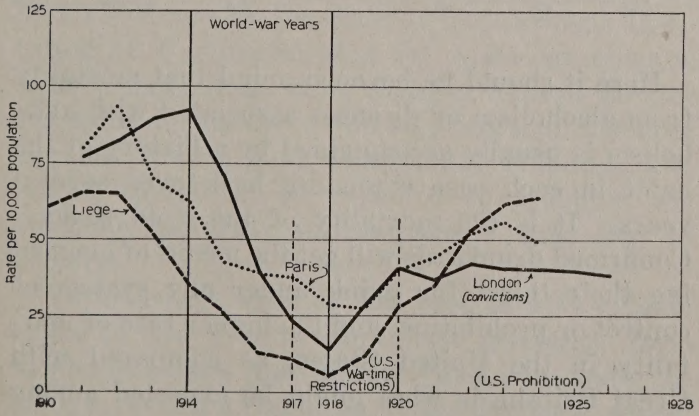
GRAPH 14

RATES OF ARRESTS FOR INTOXICATION
NEW YORK, LOS ANGELES AND BOSTON



GRAPH 15

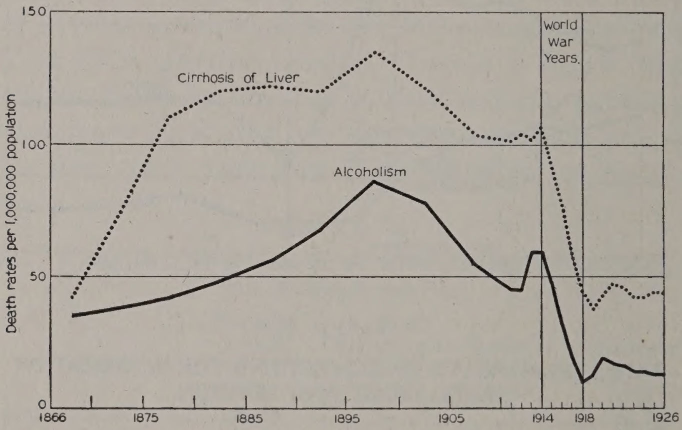
RATES OR ARRESTS OR CONVICTIONS FOR INTOXICATION
PARIS, LIEGE AND LONDON



In mortality due to alcoholism and cirrhosis of the liver the comparison favors the British experience to date.

Graph 16

DEATH RATES FROM ALCOHOLISM AND CIRRHOSIS OF LIVER IN ENGLAND AND WALES



Here it should be borne in mind that mortality from alcoholism or diseases associated with alcoholism is usually accompanied by a history of the habit in each case extending back over several years. It is the mortality of the "old soaks." Confirmed drunkards will get the means of quenching their thirst for drink under any system of control or prohibition, and the higher rate of mortality in the United States, as compared with Great Britain, is what might be expected among that class in which the reaction against the restraints of Prohibition would naturally be most pronounced. No doubt National Prohibition has been the occasion, although not the cause, of hastening the deaths of that element of the community that sets itself resolutely to the task of drinking itself to death.

In this regard it may be repeated that any comparison of the habits of the British and American peoples should take account of the greater homogeneity of the British people, who have lived together for centuries under unified customs and language. America, in its progress toward abstinence, has had to struggle with many languages and with the customs of many nations, from which adult immigrants have come by the million with habits fully formed. Moreover, in his pamphlet, *Alcohol and Human Psysiology,* it is pointed out by Dr. Francis G. Benedict of the Carnegie Institution of Washington that the American climate, with its more stimulating changes, induces greater reactions among those who do drink than the more equable British and Continental climates, and might, therefore, be expected to heighten the alcoholic mortality in comparison with that of Europe.

Nevertheless, when all has been said, in extenuation of the greater American mortality from alcoholic excess and disease, that can justly be said, it reveals a condition, in the dry view, which, under Prohibition, must be vastly bettered. The drys will hardly remain content with any comparisons instituted by the wets that regard with complacence present conditions of Prohibition at its worst.

PART II

WHAT SHALL WE DO ABOUT IT?

CHAPTER XIX

CAN PROHIBITION BE REPEALED?

Wet View

Partial repeal of the Eighteenth Amendment was the practical program proposed by Alfred E. Smith in his speech of acceptance at Albany, and urged in behalf of his candidacy to the Presidency in his address at Milwaukee, September 29, 1928. In this speech, as prepared in advance and issued to the press, Governor Smith declared his purpose, if elected, to ''lay the matter before every community'' he could reach, ''and let them make their own decision.'' Speaking in behalf of his party, he concluded with the words: ''A sane, sensible solution can only come from a Democratic victory, because the Democratic Party will give this matter its frank and fearless attention and lay it before the American people as it has never been laid before them.''

Substitute for Prohibition Is Offered

Governor Smith's proposal was the first of its kind to be made positive by the outline of a substitute for National Prohibition. In their debate in Boston, April 8, 1927, on the question: ''Should the Republican National Platform of 1928 advocate the repeal of the Eighteenth Amendment?'' Senator William E. Borah asked Nicholas Murray Butler, President of Columbia University, what substitute Dr. Butler would propose for National Prohibition. The latter replied: ''Repeal the Eighteenth Amendment, and you go back to the State laws as they existed in 1919.'' But in the stenographic report of his Milwaukee speech Governor Smith said:

> I further recommend an amendment to the Eighteenth Amendment, and I predicate that recommendation upon the undisputed and indisputable principle of Jeffersonian Democracy, the right of the States themselves to legislate in so far as the exercise of the police power is concerned, particularly where that police power and its exercise is for the habits and the customs of the people. Providing, however, only after a referendum of the people, providing safeguards against its sale in public places, providing against the open saloon, despised, as of right, by the American people, the Eighteenth Amendment could be so worded as to provide liquor to its own inhabitants.
>
> Under such a system all of the rights of the dry States would be protected to the last degree, and thrown around them would be all the safeguards of the present Prohibition Amendment and the Volstead Act. The dry States should be reasonable about it. They should listen to the State that is not in accord with their opinion. What would the dry

> States of this country say if the wet States proposed an amendment to the Constitution prohibiting them from passing any dry law?

Rights of Wet States Asserted

It is this plea that inspired hope that Connecticut or Rhode Island, which failed to ratify the Prohibition Amendment, might reopen the case rejected by the United States Supreme Court on the score of the constitutionality of the amendment. Archibald E. Stevenson, lawyer and authority on constitutional questions, says in Current History for July, 1928:

> The decision of the Court on constitutional questions is not the law. The Constitution itself, whence the court derives its power, is the law. Hence a dissenting State which has not been a party to an action involving the validity of the Eighteenth Amendment may raise the issue anew and compel the court to hear its arguments. Connecticut is such a State.

But Smith makes an advance on Dr. Butler's proposal of complete repeal of the Eighteenth Amendment and going "back to the State laws as they existed in 1919." The Governor's plan retains, for such States as elect to remain dry, prohibition of the manufacture, sale, or transportation of intoxicating liquors within such States, and of their importation into them and exportation from them. It retains the present guaranty of the Eighteenth Amendment, so far as it can be made to apply to those States with concurrent Federal legislation and enforcement.

It retains for all States, both wet and dry, the abolition of the privately conducted saloon and substitutes, in the case of the wet States, the State-owned and State-run dispensary system of the Canadian provinces.

It gives the right to every State that wishes it, after a popular referendum, as Smith described it in his speech of acceptance, to ''import, manufacture or cause to be manufactured, and sell, alcoholic beverages, the sale to be made only by the State itself and not for consumption in any public place.''

Smith Makes a Promise

This was the degree of partial repeal which the national Democratic leader believed the people were then ready to consider to the extent of electing him to the Presidency. In that event he explicitly promised to recommend the proposed amendment to Congress, and, by an active personal and party campaign, to lay the matter before every community in the country. It would then, he said, be ''for the people and the representatives in the National and State legislatures to determine whether these changes shall be made.''

Can the Eighteenth Amendment be partly repealed by the method which ex-Governor Smith made a major issue in the Presidential campaign of 1928?

The Governor stated the reasons for his belief in its practicability in his speech of acceptance. He said:

> In a book, "Law and Its Origin," recently called to my notice, James C. Carter, one of the leaders of the bar of this country, wrote of the conditions which exist "when a law is made declaring conduct widely practiced and widely regarded as innocent to be a crime." He points out that in the enforcement of such a law "trials become scenes of perjury and subornation of perjury"; "juries find abundant excuses for rendering acquittal or persisting in disagreement contrary to their oaths," and he concludes, "Perhaps worst of all is that general regard and reverence for law are impaired," "a consequence the mischief of which can scarcely be estimated." These words, written years before the Eighteenth Amendment or the Volstead Act, were prophetic of our situation to-day.
>
> *Appeals in Behalf of Parents*
>
> I believe in temperance. We have not achieved temperance under the present system. The mothers and fathers of young men and young women throughout this land know the anxiety and worry which has been brought to them by their children's use of liquor in a

> way which was unknown before Prohibition. I believe in reverence for law. To-day disregard of the Prohibition laws is insidiously sapping respect for all law. I raise, therefore, what I profoundly believe to be a great moral issue involving the righteousness of our national conduct and the protection of our children's morals.
>
> The remedy, as I have stated, is the fearless application of Jeffersonian principles. Jefferson and his followers foresaw the complex activities of this great, widespread country. They knew that in rural, sparsely settled districts people would develop different desires and customs from those in densely populated sections and that if we were to be a nation united on truly national matters, there had to be a differentiation in local laws to allow for different local habits. It was for this reason that the Democratic platform in 1884 announced, "We oppose sumptuary laws which vex the citizens and interfere with individual liberty," and it was for this reason that Woodrow Wilson vetoed the Volstead Act.

In his prepared address at Milwaukee the Governor said:

> I have attempted to paint two pictures: First, the picture of the effect of these laws upon the morals of our youth, and, second, the real facts and the real condition, which I claim must be known to the officials of the Government. I have taken considerable time to lay this before you in detail, but I could

not make a better job of it than to quote what President Harding said about it:

"Constitutional Prohibition has been adopted by the nation. It is the supreme law of the land. In plain speaking, there are conditions relating to its enforcement which savor of a nationwide scandal. It is the most demoralizing factor in our public life."

Let it be said to his credit that President Harding was the one man in a high official position in Washington who was prepared to concede that it was the demoralizing factor in our public life.

What is the answer of the Republican Party to all of this? In the face of this record the platform glosses over the whole thing by quoting the words of George Washington and Abraham Lincoln, and again pledges itself and its nominees to the observance and vigorous enforcement of the Eighteenth Amendment; no truth, no candor, not even common honesty. And all of this from a party that for eight years has tried as best it could to be all things to all men. Senator Gore, of Oklahoma, in a speech at Omaha recently summed it up in a few words when he said that the Republican policy was to give the liquor to the wets and give the law to the drys.

The Republican candidate, speaking on the subject, said the following:

"Our country has deliberately undertaken a great social and economic experiment, noble in motive and far-reaching in purpose. It must be worked out constructively. Common sense compels us to realize that grave abuses have occurred—abuses which must be remedied.'' . . .

Let me show you a complete record of a searching inquiry made only two years ago, comprising 1,700 pages of testimony, all of which, for reasons of political expediency, were disregarded. What is the plain common sense of this whole proposition?

Millions of people in this country do not agree with Mr. Hoover that this is a noble experiment. You could get no better testimony for that than to look at the result of the referendums in so many of our thickly populated States.

Referendums Frown on Prohibition

While it is true that some of the States of the nation have voted against change in the present system, it is at the same time true that in the large populous States the result is the other way, as is evidenced by the referendums.

In New York, people out of sympathy with the law, in a popular election, expressed it by over 1,000,000 majority. In Illinois, by 284,000 majority. In Wisconsin, by 171,000 majority. In Nevada, by 8,300 majority, and in Montana, by 10,249 majority.

The point is that a great army of the American people oppose these laws. Nobody can say that that is a healthy condition in our democracy. Nobody can say that people like ours are comfortable when so many of our thinking citizens resist the

> attempt on the part of the government to regulate their conduct by law. The natural result of it is the breeding throughout the length and breadth of the country of a disrespect for all law. Nobody can gainsay the fact that the Prohibition law and the Volstead Act have found a new line of endeavor for the underworld; they brought to life the bootleggers, and the bootleggers begot the hijackers, and the hijackers the racketeers, so that gangland is interested in the maintenance of Prohibition because by its operation they are benefited.
>
> As far as my time permits me to-night I have painted for you the picture. In my speech of acceptance I suggested a remedy.

The details of the picture to which ex-Governor Smith referred are carefully filled in, in that half of the first part of this book which constitutes the Wet View. It expresses, by representative Wet opinion of the facts, the reasons why Smith's program was deemed practicable.

DRY VIEW

Under the head of "Fallacies in Governor Smith's Proposal," Dr. E. Y. Mullins, President of the Southern Baptist Theological Seminary, of Louisville, Ky., says:

> Perhaps the most moving point in Governor Smith's acceptance address was the picture he gave of fathers' and mothers' anxiety over their drinking sons and daughters to-day

under the ''evils of Prohibition.'' The comforting remedy he offers them for this terrible evil is more drink, more easily reached.

The present generation seems to think this special anxiety of parents a new thing in the history of our country. To one who has lived his life of considerably more than half a century in the United States the picture is not a new one. From earliest recollection the towns in which I lived as a youth had their full quota of parents anxious over drinking sons —and even then sometimes over drinking daughters.

''Keep Liquor Away from Them''

These years of past family history in connection with liquor ought to teach us something. I firmly believe if all the grieving parents of drinking children of the past were asked if ''more drink more easily reached'' were the remedy, there would ring out a ghostly cry of ''No'' loud enough to be heard the world round. For the cry that went up from these anguished parents in this life was ''Keep liquor away from them.''

The temperance pledge won a few. With the many it was a broken reed. It was this cry of ''Keep liquor away from them'' which echoed and re-echoed until Congress and forty-six of the forty-eight States brought Prohibition in overwhelmingly.

Now I would put this record of parental agony through fully a half-century of American history—its travail and achievement—over against the checkered experience of eight years in enforcing this law which has caused Governor Smith to seek to comfort anxious parents with the battle cry of "More liquor more easily reached."

Looking back over the past I recall some parents who moved to the country that liquor might not be so easily reached, but, alas, the horse and buggy soon carried the thirsty boys to town. Would Governor Smith's program of State determination of the wet and dry issue give relief to anxious parents? With the motor-car at hand, would State border lines give dry communities one iota of protection? And does anybody with common sense believe that a checkered map with wet and dry States would rid the country of bootleggers?

For the sake of anxious parents of drinking children, Governor Smith proposes as soon as possible to increase the supply and availability of liquor by modifying the Volstead Act, and later to undo completely the "evil of Prohibition" by repeal of the Eighteenth Amendment. Such is the happy program.

Forty-six States Hard to Move

I wonder if it has occurred to ex-Governor Smith that forty-six out of forty-eight States might be hard to move. Having spent half a century in moving forward toward a great moral achievement, could they be turned back by so fallacious an argument as more drink? True reforms never go backward.

In anticipation of such questions as that put by Dr. Mullins, Walter Lippmann, chief editorial writer of The New York World, which urged Governor Smith's candidacy, admits unhesitatingly that the Eighteenth Amendment cannot be repealed. Mr. Lippmann says, in Harper's Magazine for December, 1926:

> It is true, for example, that the Eighteenth Amendment cannot be repealed. In order to repeal it there would be required two-thirds of the Senate and two-thirds of the House, and a majority of both houses in 37 States. A repeal could, therefore, be vetoed by 33 Senators, or by 146 Representatives, or by a majority in 13 State Senates. A repeal might pass Congress, it might pass 35 Legislatures, it might pass one house in the remaining 13 Legislatures, and still the Eighteenth Amendment would be intact. As long as Prohibition has a majority in one branch of the Legislature in 13 States a repeal of the Eighteenth Amendment is impossible. Repeal would have to be fought for in 96 State legislative bodies and the two houses of Congress. Out of these 98 law-making bodies, 13 in 13 separate States possess an absolute veto.
>
> It is also true that the Volstead Act cannot be liberalized without *nullifying the intent* of this immutable Eighteenth Amendment. There is no slightest doubt that the Amendment was intended to prohibit the lightest beer and the lightest wine no less than gin and absinthe. We, therefore, arrive by irresistible logic at

> the conclusion that the Volstead Act itself is immutable.

Thus in advance, and by irresistible logic, Mr. Lippmann scouted the practicability of Smith's entire program, except by the avenue of nullification. He admitted that Prohibition cannot be repealed. His logic applies just as irresistibly to any attempt to bring about a partial repeal. Thirteen out of 98 law-making bodies in forty-eight States could defeat partial Prohibition, and doubtless most or all of these thirteen can be found in the Democratic Solid South.

But is it not altogether probable that a majority of the States and a majority of Congress would reject former Governor Smith's proposals?

Legislative Majority Votes Dry

In the chapter on the state of public sentiment regarding Prohibition it is shown at length how, while a few popular referendums, without binding effect on National or State governments, were declaring for a change in the Prohibition law in 1926—largely because the dry organizations instructed their following not to vote in these referendums—the States were returning to Congress an overwhelming majority of dry Representatives and Senators, specifically pledged to resist any attempt to weaken the Volstead Act.

If the youth of the nation were imperiled by the Prohibition laws, one would expect the Young Men's Christian Associations, and Christian Endeavor Societies, and the churches to range themselves behind ex-Governor Smith in his plea for more liquor. Instead, the Federal Council of Churches of Christ in America, representing over 19,000,000 communicants, declared through its Executive Committee on January 23, 1928, that the "Federal Prohibition Amendment was not the result of a sudden wave of hysteria or of unreasoning fanaticism, as is frequently erroneously declared, but was adopted, as the President officially states, 'after more than two generations of constant debate.' " It adds:

> The crux of the situation is not, therefore, whether the purpose and the possibilities for good of the Prohibition law are to be approved, but the practical burning issue to-day is whether the law shall be properly observed and enforced. . . . For wherever the Prohibition law has been observed and enforced the manifold good results far exceed the expectations of its friends. Observance and enforcement of the Prohibition law must be twin goals of our immediate continuous endeavor. . . . The Prohibition law is one of the highest products of Christian citizenship in the realm of social legislation.

Religious Organizations Favor Dry Law

In like terms the Young Men's Christian Associations of North America, the International Society of Christian Endeavor, the Salvation Army, the great charitable organizations and agencies of social service have for the most part recorded themselves in support of the Amendment.

But if a majority of the States and the moral elements of the community are in favor of retaining the Eighteenth Amendment, what of the rights of the wet States? Ex-Governor Smith asks: "What would the dry States of this country say if the wet States proposed an amendment to the Constitution prohibiting them from passing any dry law?" In a debate with Gabriel Wells, of New York, William Allen White answers a similar question:

> You ask if I think that, under the principles of a democracy, one section of the country should take on itself to dictate to another section in the matter of personal habits. That presumes that New York and the New England States did not ratify the amendment themselves and that their Congressmen did not participate in drafting the Volstead Act. They did. They must either say that they were deceived or else that they have changed their minds.
>
> *The Question of Fair Play*
>
> Now do you think it fair that one section of the country go in with another section of the country in ratifying an amendment to the Constitution, working a law through Congress and then declaring that they have noth-

ing to do with the law and therefore shift the responsibility upon the other sections of the country? It is fair enough to say that New York and the Seaboard States have now concluded that they will not obey the Constitution, but to say that they had nothing to do with the constitutional amendment is hardly a dignified attitude in view of the facts.

Your second question asks if I think it wise that a Constitution should contain a provision which makes for disunion. Supposing we rampant radicals out in the West should decide that the provisions of the Constitution referring to the rights of property did not conform to our ideals of morality and economic advantage. How quickly would the guns of the republic be turned upon the recalcitrant Westerners. When a principle of government has got into the Constitution with the full knowledge and co-operation of all sections, it seems to me that all sections should endeavor to obey the Constitution and not try to justify their afterthoughts.

The question whether we should have Prohibition with surreptitious drinking or non-Prohibition with regulated drinking does not, it seems to me, make much difference. Under the Eighteenth Amendment we have abolished the saloon. I don't think that the bootlegger at his worst is as bad as the saloon at its best, and I feel that very soon, that is to say, within a generation, the situation as it touches the enforcement of the law will gradually grow better.

All legislation is sumptuary, whether it re-

> stricts the rights of those who would commit murder, rape, arson or endanger public health or public safety. As our civilization grows more complex of necessity our liberties must be restricted. The only question to decide when a new law is proposed is whether or not it returns in social benefit sufficient economic advantage to warrant the restriction of liberty.

Dry States Confirmed in Their Dryness

Mr. White's views are representative of the people in most of the States who year after year elect preponderant majorities of drys to the State Legislatures and to Congress. These millions of people are becoming more set in their views. John Holley Clark, Jr., formerly an assistant Federal prosecutor in New York, presents an intensive study of the history of Prohibition. The progressive satisfaction of the voters with the Prohibition law is unmistakably shown in the following words:

> The Association Opposed to the Prohibition Amendment claims that in the Seventieth Congress there are 129 wet votes out of a total of 531. Of these, 106, it claims, are in the House in a total membership of 435, and 23 votes are in the Senate, whose membership is 96.

Mr. Clark then presented a table which, up to 1928, representing the Seventieth Congress, gave for each classification the number of wet votes claimed, as follows:

States	Age of law	Wet votes in Congress	Per cent of total States
New York, Maryland, Montana, Nevada............	No law	43	33
Massachusetts, Pennsylvania	4 years	24	19
New Jersey, Rhode Island..	5 ”	10	8
Connecticut, Louisiana, Vermont, Wisconsin, Illinois.	6 ”	26	20
California, Kentucky.......	7 ”	8	7
Delaware, Minnesota, Wyoming, Missouri..........	8 ”	7	5
Florida, Indiana, New Hampshire, New Mexico, Texas, Ohio	9 ”	5	4
Utah	10 ”	1	1
Michigan, Nebraska, South Carolina, South Dakota, Virginia	11 ”	5	4
Alabama, Arkansas, Colorado, Idaho, Iowa.......	12 ”	0	
Arizona, Oregon, West Virginia, Washington.......	13 ”	0	
Tennessee	15 ”	0	
Mississippi, North Carolina	19 ”	0	
Georgia, Oklahoma.........	20 ”	0	
North Dakota..............	38 ”	0	
Kansas	47 ”	0	
Maine	72 ”	0	

From this table it is seen, Mr. Clark stated, that of the 129 wet votes, 43 votes, or 33 per cent, came from States that had no law. An additional 33, making a total of 60 per cent, came from States whose laws were five years old or less; and 123, or 95 per cent, came from States whose laws were less than ten years old. There were no wet votes from any of the 17 States whose laws were more than eleven years old. Mr. Clark concluded:

> These figures certainly indicate, first, that there is now practically no effective wet sentiment in any State whose law is more than ten years old; second, that wet sentiment decreases as the laws get older.

It seems certain, therefore, that the Eighteenth Amendment cannot be repealed, in whole or in part. Constituencies which feel that a law attacks their personal liberty or inalienable rights do not act to return representatives increasingly pledged to uphold that law. By their acquiescence in the operation of the Eighteenth Amendment and their affirmative action to instruct more and more legislators to support it, the people have confuted the arguments of leaders like Smith, that the Amendment means external compulsion and the tyranny of a minority. By this process it becomes, not prohibition, but an ordinance of self-denial and self-control. It gives point to the reason urged by Owen D. Young, Chairman of the General Electric Company, who, while voting for Smith as a Democrat, was careful to say, "I am not supporting Governor Smith because of his position on Prohibition." Mr. Young then said: "I would like to see the hypocrisy which now exists in our legislatures and our homes wiped out, but I want to be very patient with this effort of a great democracy in self-discipline."

CHAPTER XX

CAN PROHIBITION BE MODIFIED OR NULLIFIED?

Wet View

In his address of acceptance of the Democratic nomination for the Presidency during the campaign of 1928, and in his Milwaukee speech of the same year, former Governor Smith appealed both to the influential body of the wets who believe that the Eighteenth Amendment can be repealed and to those who believe that Prohibition can at least be modified through amendment of the Volstead Act, as indicated in the last chapter. Walter Lippmann, chief editorial writer of The New York World, the leading press sponsor of Smith's candidacy, frankly expressed his disbelief in the practicability of repeal and declared that the Prohibition law and the amendment on which it is based should be nullified. It is a blunt statement. It sums up the policy of Smith and his following. "The fat is in the fire," says Mr. Lippmann, and he continues:

> The Eighteenth Amendment is unrepealable and the human resentment against it unrepealable. Once again, as they have several times in the past, a considerable part of the American people find themselves in a consti-

tutional straitjacket out of which they will have somehow to wriggle free. This business of wriggling free is sometimes called nullification. Technically, nullification is practiced when a State makes it a crime to enforce a particular Federal law. Technically, therefore, the rebellion against the Eighteenth Amendment is not nullification.

Object Is to Nullify the Intent

But that the object of the movement against the Eighteenth Amendment is to nullify the intent of the authors of the Amendment, no candid man can deny. They meant to prohibit all intoxicating liquors throughout the United States. It is the intention of the wets to legalize some or all intoxicating liquors in those States where a majority desires it. That is the objective. The method may be a gradual failure to enforce the law in wet territory, and the reduction of the Eighteenth Amendment to the status of some of the old unrepealed Blue Sunday legislation. The method may be an amendment to the Volstead Act permitting each State to define intoxicating liquor. Many methods are likely to be employed. Their purpose is to change the practical effect of the Eighteenth Amendment even though its language remains the same.

Only those who have read American history through rose-colored glasses will be shocked at this prospect. This is a normal and traditional American method of circumventing the inflexibility of the Constitution. When the Constitution has come into conflict with the living needs of the nation, and when amendment was impossible, the method of changing the Constitution has been to change it and then get the very human Supreme Court to sanction it. The Constitution gives the Presidential electors the right to use their discretion in the choice of a President. They have lost that right. Yet the Constitution has never been amended to take away that right. The Constitution says that no man shall be Senator who is not thirty years old. Henry Clay entered the Senate at twenty-nine; Robert M. LaFollette, Jr., was younger than thirty when he was elected. The Constitution says that Representatives shall be apportioned according to population as determined by a census every ten years. There has been no new apportionment for sixteen years. The provision that slaves should be delivered up on demand was consistently nullified by many Northern States. The provision that the President shall make treaties only with the advice and consent of the Senate was disregarded in important instances both by Roosevelt and Wilson. The Fourteenth Amendment in so far as it provides a penalty for denial of the right to vote is dead. The Fifteenth Amendment is nullified in most if not all the Southern States. If then the Eighteenth Amendment is somehow nullified in certain Northern States, there will be nothing novel or revolutionary about it. . . .

The moral is plain. If liquor is legalized in the States which desire it, all that is necessary to make it constitutional is for the Su-

> preme Court, bowing to public opinion, to find by the proper reasoning that the States are not violating the Eighteenth Amendment. Then they will not be violating it. They will be violating what the authors of it meant. But the Constitution, thank heavens, means whatever a living Supreme Court says it means. And the Supreme Court, thank heavens, is composed on the whole not of worshipers of a sacred text, but of jurists and statesmen and human beings.

Would Define Intoxicating Content

This statement admits plainly as nullification the proposal that each State be permitted to define the content of intoxicating liquor in a manner that will please the wets. There are other methods. Whatever the method, it is regarded as settled that ultimately the Supreme Court will bow to the popular will. In his speech at Milwaukee, as prepared in advance for the press, Mr. Smith referred to his acceptance address and made this argument for the method of modification:

> I recommend an amendment to the Volstead Act which should contain a sane and sensible definition of what constitutes an intoxicating beverage, because upon its face the present definition does not square with common sense or with medical opinion. Each State could then provide for an alcoholic content not greater than that fixed by Congress.
>
> It must be borne in mind that the Eighteenth Amendment does not prohibit alcoholic

> beverages, it prohibits intoxicating beverages. And no sensible man can truthfully be prepared to say that one-half of 1 per cent of alcohol constitutes an intoxicant.
>
> I firmly and honestly believe that a great deal of the dangerous and poisonous hard liquor would be driven out of this country if the people could be assured of an alcoholic beverage declared by common sense and by science to be non-intoxicating.

Wets Generally Would Nullify

Such is the measure of immediate relief proposed by Smith, to be followed by partial repeal of the Eighteenth Amendment. No voice has been raised among representative wets against the usual construction of such measures as part of a general policy of nullification. For example, Philip Dexter says:

> In time, with increasing industrialization, the cities will overcome the farmers. Whether they will repeal the Eighteenth Amendment or will devise some method of ignoring it where the people object to it and observing it where the people wish it to be observed, time will tell; but one or the other is almost a certainty.

So also, the argument for nullification recurs in this statement by Fabian Franklin:

> Now what are we to do about an article of the Constitution that results in so horrible a situation? ''Enforce it or repeal it,'' many

people say. It is an easy thing to say. But suppose we can't repeal it? Suppose that the more rigorously you enforce it, the more odious become the means of enforcement? Should we sacrifice everything we hold dear for the sake of persisting in forcing this measure upon a vast minority, very likely an actual majority, of the people?

No, besides enforcement and repeal there is another course. Call it nullification if you will; there are times when a course for which we have perhaps no better name than nullification is the only remedy for intolerable evil or intolerable wrong. Such was the case with the Fugitive Slave Law; such was the case with the Negro Suffrage Amendments in the South. Whether by formal nullification through the State Legislatures or by the direct action of the people, these laws were practically nullified, one of them in the North, the other in the South. In the case of Prohibition we have to look squarely in the face the fact that, whether we like it or not, we are going to have nullification of the one kind or the other. Either Congress must give us relief by some form of what all good Prohibitionists will call nullification, or we must continue to have the nullification that we now have by the spontaneous action of tens of millions of individual Americans, from the Atlantic to the Pacific and from the Great Lakes to the Gulf (20).

Christian Martyrs Were Nullifiers

In "The Prohibition Mania," by Clarence Darrow and Victor S. Yarros, the badness of the law prohibiting intoxicants is compared with the badness of the Roman laws against Christianity, and nullification is urged as a duty similar to the duty of defiance of anti-Christian laws by the martyrs of the Church. Messrs. Darrow and Yarros say:

> Even a short and utterly inadequate sketch of the method employed by the people in modifying or overthrowing unjust constitutional provisions and statutes ought to be illuminating.
>
> Most laws grow out of the customs and habits of the people. When they do grow out of such customs and habits, they are generally easy to enforce, because most people have already conformed to the idea. Now and then a law or a constitutional provision is placed upon the books that has never received popular approval. In that case, there is a constant conflict, until the constitutional provision or law becomes a dead letter, or until the people are convinced by reason and judgment or subdued by tyranny and oppression. This kind of modification and repeal of laws can be traced as far back as we wish to go. Christianity in its early years was taken to the Roman Empire. It met with all sorts of opposition and most stringent laws. Penalties for teaching or professing Christianity, like the penalties attaching to most religious laws, were cruel and severe, including death in every hideous form, by torture, by wild beasts, and by burning. The Christians, however, did not obey the law.

> Had they done so, Christianity would never have spread to Western Europe or become the prevailing religion of the United States.
>
> For several hundred years, not only in Rome, but throughout Europe, Christians suffered death and torture, because they would not obey the law. Many of these were citizens of the country where the persecutions raged, but no one except the rulers ever urged the doctrine that whatever the law, it is the duty of a citizen to obey.
>
> Later, under the Inquisition, for three or four hundred years, Christians were persecuted by other Christians. They were persecuted and put to death in fiendish ways, because they would not obey the law and worship in a special way. Many millions of human beings were put to death by the judgments of courts and by war, for maintaining their right to think for themselves, in spite of statutes. When Protestantism finally triumphed in Great Britain, the same sort of laws were passed against Catholics, who did as men of intelligence and courage will always do, stand up for their freedom to worship as they pleased; and, in spite of fire and sword and death in every conceivable way, they refused to obey the law (2).

In the wet view, therefore, as interpreted by Messrs. Darrow and Yarros, nullification is the instrument of a holy crusade in the cause of indulgence in narcotic beverages, to be employed with the same zeal as inspired the early Christian martyrs. Theirs is an extreme statement of a doctrine of nullification of the Eighteenth Amendment and its supporting laws which, in the settled judgment of the wets, is already in progress by the ''spontaneous action of tens of millions of individual Americans.'' They believe and hope that such action will be followed by Congress and the courts by further measures countenancing nullification or relaxing the interpretation placed on the word ''intoxicating'' as imbedded in the Constitution. In behalf of this policy of relaxation, ex-Governor Smith, as acknowledged leader of the wets, based his appeal to the country.

Dry View

The testimony of the wets confirms the statement made by Herbert Hoover in his address accepting the Republican nomination for the Presidency: ''Modification of the enforcement laws which permits that which the Constitution forbids is nullification.'' But far from ranking Prohibition with the Roman laws against Christianity, the medieval laws supporting the Inquisition and the laws supporting the institution of slavery, Mr. Hoover calls Prohibition a ''great social and economic experiment, noble in motive and far-reaching in purpose,'' and Bishop Manning, after saying that it has the overwhelming approval of the people, declares that ''judged by its results on the whole, it is a good law''; that it is ''one of the greatest efforts toward moral and social betterment that has ever been made.''

Efforts to engender disrespect for such a law and to bring about its nullification may not be justified by the examples set by the Christian martyrs.

Reds and Other Law Defiers

Ex-Attorney General George W. Wickersham, head of President Hoover's Law Enforcement Commission, says in a communication to The New York Times of June 10, 1929:

> . . . The trouble is that general disregard for one class of law by persons highly placed in a community necessarily tends to weaken respect for law on the part of other classes of the community.

In the same vein Senator William E. Borah properly characterizes efforts to nullify the Eighteenth Amendment, when he says that the foreign radical who comes here and openly defies our Constitution is a ''most unworthy creature,'' but is ''not so reprehensible'' as the man born and reared in this country who disregards or defies some law or amendment ''because it runs counter to his personal interests, personal views or personal vices.''

Many persons of property who are most agitated about foreign radical propaganda, Mr. Borah continues, are ''the most pronounced, insistent and persistent violators of the Eighteenth Amendment.'' He adds:

> The hotbed, the scouting, noisy rendezvous of lawlessness, of cynical defiance to the Eighteenth Amendment, is among those of social standing, of large property interests, and in the wealthier homes. Without their patronage, protection and example, the bootlegger could easily be brought within the control of the law.

The propertied classes who violate the Eighteenth Amendment, Senator Borah continues, are also undermining the Fifth and Fourteenth Amendments, which protect life and property, because that which undermines any part of the Constitution undermines it all. He says:

> The Red sits in his darkly lighted room, around his poorly laden table, and denounces the provisions of the Constitution placed there to protect property. The ''white'' sits in his brilliantly lighted room about his richly laden table and defies or denounces the provisions of the Constitution placed there in the belief that they would protect the home. I leave it to all good citizens whether it is not true that both are traveling the road to lawlessness, both sowing the seed of destruction, both undermining the whole fabric of law and order.

''Obedience to law because it is law,'' he declares, is the primary need of Americans to-day.

"We do not need a new faith," he asserts; "we need the simplicity, the directness, and the self-surrender of the old. Throughout the land we need to preach the creed of Washington, Jefferson, Jackson and Lincoln with a tongue of fire."

"An Old Man's View" for Violation

Because these wealthy violators of the intent of the Eighteenth Amendment and their bootleggers would be convenienced by nullification they preach it. They exaggerate the evils that have resulted from the first and experimental operations of the law, most of which are due to their own lack of its observance. They make it appear that the youth of the land agree with what Bishop Manning calls "an old man's view" of Prohibition, and themselves universally flout it. Then they make a religion of their vices and play the "martyr act" in the holy cause of more liquor. This martyr plea crops up again and again, and is urged by the wets with religious fervor. Thus in a debate with Irving Fisher published by The Forum in its issue of June, 1929 ("Should We Obey the Prohibition Laws?"), Fabian Franklin says of the Eighteenth Amendment:

"Anything which 40,000,000 out of 100,000,000 resent as tyranny *is* tyranny. I say that to assert yourself against that tyranny is a fine, manly thing to do, even if you are forced to do it in a quiet way. If you go out in the street and wave your arms and say, 'Here, I bought this from a bootlegger!' you make a fool of yourself and accomplish nothing. The Dissenters in England, most of them, simply kept on quietly practicing their religion in spite of the law, and we admire them for it.''

To which the reply was made:

> If it is tyranny, and 40,000,000 people are arrayed against it, why haven't we had a revolution over it? Is your cause quite noble enough to arouse the 40,000,000 to fight for it—as noble, say, as that of the Dissenters in England? Clarence Darrow, it is true, has gone even further and compared it to the cause of the early Christian martyrs. But you are ''quietly practicing'' the religion of drink. Yours is the holy cause of self-indulgence.

It is such ''fanatical wets'' who justify employment of every possible measure of legal evasion and violation. It is of these that Mr. Hoover speaks in his acceptance address:

> Modification of the enforcement laws which permit that which the Constitution forbids is nullification. This the American people will not countenance. Change in the Constitution can and must be brought about only by the straightforward methods provided in the Constitution itself.
>
> There are those who do not believe in the purposes of several provisions of the Constitution. No one denies their right to seek

to amend it. They are not subject to criticism for asserting that right. But the Republican party does deny the right of anyone to seek to destroy the purposes of the Constitution by indirection.

Did the Fathers Die for Drinker's Right?

"Did the Fathers die for the right to drink?" Nolan R. Best asks, to which he adds:

> Surely, in order to lift these matters to the high level of a freeman's rights, there must be exposed some tangible enlargement of God-created human life which is being frustrated by law-made hindrances. Show that, and the red fiber of manly independence will quiver into revolt to-day just as surely as in the times of the American Revolution. And there will be churchmen, Prohibitionists and even "moral fanatics" among the insurgents too.
>
> But what have any of Prohibition's antagonists to bring forward substantial and actual enough to heat the patriot blood with any such indignation?
>
> To what puerilities a straight-seeing and straight-thinking observer must feel himself dragged down when, to support the accusation that liberty is being crushed out of this country, the specification of fact offered is the awful complaint that one can no longer find a dram of liquor to drink without patronizing a bootlegger!

It is admitted by the Drys that the cause of nullification would be incalculably advanced by placing in the highest executive office of the nation a man whose entire record in public life has been on the side of the saloon and on the side of spreading disrespect and contempt for the Constitution. Alfred E. Smith is unquestionably such a man. In the Declaration of Principles, Purposes and Program of the Conference of Dry Anti-Smith Democrats held at Asheville, N. C., his record is described as follows:

> Governor Smith's entire record is wet. He was an advocate and defender of saloons while they existed, for he repeatedly put his ''foot on the brass rail and blew the foam off the glass,'' for he has openly expressed his desire to help repeal the Prohibition laws, so that it can be done again.

Smith's Record

Mr. Smith works not only for repeal, but for modification and nullification. The declaration continues:

> As a legislator, he not only opposed measures to restrict the privileges of saloons, but endeavored to remove existing restrictions. He fought in pre-prohibition days every effort to extend the application of the principle of local option, which principle he so vociferously advocates to-day. He fought the ratification of the Eighteenth Amendment, and has bitterly criticized the Legislature of New York, which did ratify the same. He fought the passage of the Mullan-Gage State Law

> Enforcement Code, and after that code had been enacted by the New York State Legislature, he labored aggressively and persistently until he had secured its repeal. He is responsible for the ineffective enforcement of Prohibition in the great State of New York, and for the horrible vice conditions, which the Committee on Vice has recently reported to be worse in New York City than they have been for the past twenty-five years.
>
> He advocated the passage of the 2.75 beer bill, which the United States Supreme Court declared to be unconstitutional, and he urged the holding of a futile referendum to permit each State to determine what shall be the legal content of the beverages permitted to be manufactured and sold. Although sworn to maintain and defend the Constitution of the United States, including the Eighteenth Amendment, his whole course has been such as to nullify the Eighteenth Amendment as far as possible in the State of New York. If he interprets his oath (which he has taken four times as Governor of the State of New York) to defend the Constitution of the United States in such fashion, how can he be expected to put any different interpretation on the oath which he will be obliged to take as President of the United States to maintain and defend exactly the same Constitution?

Mr. Smith's course since his nomination to the Presidency has been consistent with his record. He caused to be appointed Chairman of the Democratic National Committee John J. Raskob, the

Vice Chairman of the Association Against the Prohibition Amendment. Immediately Mr. Raskob declared that he had accepted the position of manager of Governor Smith's campaign because he saw ''an opportunity of performing some constructive service by helping relieve the country of the damnable affliction of Prohibition.''

Did We Want a Liquor President?

That statement was hardly calculated to give aid and comfort to those who were opposed to nullification. Bishop James Cannon, Jr., Chairman of the Commission on Temperance and Social Service of the Methodist Episcopal Church, South, asks:

> Do the American people to-day want a man to be elected as President who does not only personally not believe in the principle of Prohibition which has been written into the Constitution, but who, although he would be compelled in taking the oath of the office as President to swear to uphold the Constitution of the United States, yet would continue to indulge his appetite for strong drink, and of necessity in the indulgence of that appetite be compelled to transport a stock of intoxicants from his private residence to the White House, or would be compelled to indulge his appetite by visiting regularly his friends in Washington who might possibly have stocked their wines in other cellars before the Prohibition Amendment became effective, or who

> would be obliged to purchase such intoxicants from persons who in selling to him would be violating the Constitution which he, as President, had solemnly sworn to uphold?

The campaign of 1928 showed the temper of the electorate on this question. The electorate had decided that the election of such a candidate, backed by the public record of ex-Governor Smith, would not tend to increase respect for the law or to prevent a rapid progress toward nullification. It answered the question whether the enemies of Prohibition can soon again look forward to an affirmative answer to the question: "Can Prohibition be modified or nullified?"

CHAPTER XXI

CAN PROHIBITION BE ENFORCED?

WET VIEW

President Nicholas Murray Butler of Columbia University, who is a member of the Moderation League, Inc., of New York, despairs of Prohibition enforcement. Commenting on the declarations of the Republican platform and of Herbert Hoover, then Republican nominee for the Presidency, in behalf of enforcement, Dr. Butler said in a letter to The New York Times of August 20, 1928:

> Anyone who is opposed to the repeal of the Eighteenth Amendment and who is also opposed to that process of statutory obsolescence that is now called nullification, must then be in favor of their only alternative, which is the continuance of the present reign of lawlessness, debauchery and government-made crime. Every bootlegger in the land will support this position, both with eagerness and with a share of his very satisfactory profits.
>
> The parrot-like cry for law enforcement means somewhat less than nothing, and, as the Irishman said, not much of that. The facts being what they are, to declare for law enforcement in respect to the Eighteenth

> Amendment is to declare for lawlessness and for a continuous and organized assault, under official protection, upon the foundation of our Government. It means what Mr. Justice Holmes, speaking from the bench of the United States Supreme Court, has properly called ''dirty business.''
>
> What I wish to make entirely plain is that no candidate of my party for the Presidency can commit me or countless others like me to any such doctrines or to any such policies.

Enforcement vs. Bill of Rights

In his address at St. Louis, Mo., December 14, 1927, Dr. Butler had given notice of his position as follows:

> So far as I am concerned, Mr. Chairman, no candidate for public office in 1928 is going to be permitted to hide himself behind the papier-maché bulwark of law enforcement. The phrase ''law enforcement'' sounds as if it meant something, but it does not. I myself question very much whether any law can be enforced, because it really does not enforce a law to punish those who violate it. Laws must be respected and obeyed, and when they are not respected and obeyed, they cease to be laws, no matter what name you put on them. Just a word about this ''law enforcement'' as a political slogan. If law enforcement means the enforcement of the Eighteenth Amendment regardless of any other provision of the Constitution, then law enforcement means lawlessness. It means the

> kind of murder that has been going on over this land for four years. It means the invasion of the right of privacy; it means search without warrant; it means the abolition or limitation of trial by jury. It means overturning all sorts of things which we have supposed to be fundamental, if by law enforcement you mean—get my condition—enforcement of the Eighteenth Amendment, regardless of the Bill of Rights or anything else. Abraham Lincoln had something to say about that also. On July 4, 1861, in his message to the Congress, he asked this question: ''Are all the laws but one to go unexecuted, and the Government itself to go to pieces, lest that one be violated?'' Why, Mr. Chairman, Lincoln could not have framed a question more pertinent to the issues of this moment. But suppose law enforcement does not mean that; suppose law enforcement means the enforcement equally of all the laws that are in the Constitution. Then the cry of ''law enforcement'' is sheer hypocrisy and cowardice, because under those conditions the Eighteenth Amendment cannot be enforced and every intelligent man must know it.

Laws Enforced by Willingness

The wet view of the proper basis for law enforcement is further defined by Fabian Franklin, by a quotation from Arthur T. Hadley, President Emeritus of Yale University, as follows:

> Who enforces the laws?
>
> The first impulse of most people would be

> to answer, "The police and the sheriffs, with occasional assistance from the army in emergencies." But if we stop to think about the matter we shall see that this is a very superficial view of things, and that only a small fraction of our law enforcement is secured or needs to be secured in this way. In ninety-nine cases out of a hundred obedience to the law is quite voluntary. The people at large do not have to be compelled by the police to obey the laws against murder or burglary or the various regulations for the convenience of the public. They do it of themselves, either as a matter of conscience or in deference to public opinion. And the fact that they do it of themselves is the thing which makes civilized society possible. It enables the police to concentrate their attention on the work of protecting the public against a relatively small number of habitual lawbreakers who do not recognize their moral obligations to themselves or to society. Conscience and public opinion enforce the laws; the police suppress the exceptions (20).

"The bottom reason," Mr. Franklin comments, "of the frightful mess that the Prohibition law has made is that it utterly ignores the conditions upon which rational law making and rational law enforcement depend."

Enforcement With 2.75 Per Cent Beer

Such is the position of representative wets as to the impossibility of Prohibition enforcement, which in the face of a hostile public sentiment they deem to be overwhelming. Their only definite suggestion in behalf of enforcing the Eighteenth Amendment is that of enlarging the statutory content of ''non-intoxicating'' liquors to include 2.75 per cent beer. Eloquent advocacy of this measure is found in the pamphlet ''Better Prohibition Enforcement,'' by Lieut. Col. James C. Waddell, formerly a Federal Supervisor of Alcohol and Brewery Control. Mr. Waddell says:

> If the non-intoxicating limit were changed from one-half of one per cent to 2.75 per cent, it would aid enforcement in that it would prove helpful in making increased penalties more reasonable and effective in operation. It would remove from the scope of those penalties thousands of persons who are not making or selling intoxicants but who are at present included among the violators of the law. It would help enormously in pointing the law at the real sources of trouble.
>
> Although some may disagree, it is logical to contend that raising the non-intoxicating limit would aid enforcement by decreasing drunkenness. There certainly is no foundation to the argument that beer would incite the alcoholic appetite to stronger drink. If beer were only a stepping stone to hard liquors, ninety per cent of the business in alcoholic beverages, which had gone on for hundreds of years before Prohibition, would not have been in beer. It seems far more logical to contend that the great majority of the

American people, now as before, would be satisfied with good beer, and that much of the present demand for intoxicating liquors would disappear.

Neither side of the Prohibition conflict has viewed the question of 2.75 beer from its correct standpoint, that of enforcement. Because it sounded more like liquor, although decidedly non-intoxicating, the wets originally championed its cause. The drys, seeing it strongly advocated by the wets, suspected them of trying to circumvent the Amendment, and opposed the measure. Without attempting to analyze the present Prohibition situation, it would seem that the future Prohibition conflict would be decidedly one-sided, if the wets could enlist only the friends of those beverages capable of causing intoxication.

If the Federal enforcement machinery could be concentrated upon the sources of supply of hard liquor, and given a better weapon in the way of penalties, it would soon get the results we are looking for. Its present task is too general and diversified.

Drastic Definition of Intoxicant

This view was adopted by Alfred E. Smith as Governor of New York and by virtue of his—then—national leadership has become the official wet contribution to suggestions for enforcement. According to the stenographic report of his Milwaukee address, Smith said:

> It is interesting to look into the police rec-

ord. Four hundred and three municipalities, spread out all over the United States, were taken into consideration and an examination was made of their police records to find out the number of arrests for public intoxication. Remember, that does not mean drinking at home; that means public intoxication. In 1920, 237,000 people were arrested in these 403 municipalities for public intoxication. In 1926, six years after the advent of Prohibition, that number jumped from 237,000 to 559,000.

Now, getting down to the meat of what is the matter, to my way of thinking, a great deal of this is brought about by the drastic definition contained in the Volstead Act of what constitutes an intoxicant. There is not any doubt in the minds of the thinking people throughout this State that countless millions of people that have been used all their lives to light wines and beer were driven to hard liquor by that nonsensical, foolish definition of one-half of one per cent as constituting an intoxicant. And as a result of it to-night all over the country, in every State, there is plenty, and plenty of good hard liquor, even in States far removed from the seaboard or in States not contiguous to territory where liquor is manufactured legally and dispensed legally.

Nullification or Repeal Is Sought

The ultimate object in the passage of a measure for 2.75 per cent beer, or for stronger liquors, as freely conceded by the wets, is to break down the Prohibition wall. Thus Fabian Franklin says:

> Although our ultimate goal must be the repeal of the Eighteenth Amendment, we must endeavor, at a much earlier time than this can be achieved, to get Congress to pass a law which shall really and truly relax the rigors of the Volstead Act. Whether such a law should take the shape of permitting beer and wine—real beer and real wine, no 2.75 per cent make-believe—or should take the shape of a transfer of discretion to the separate States, such as is proposed in the referendum recently passed upon by the people of New York and of Illinois, or such as has long been embodied in the Democratic platforms of the State of Maryland, is a question which I need not particularly discuss.
>
> In either of these ways a great breach would be made in the solid wall of bone-dry National Prohibition. That a real measure of relief of this kind would go far toward lessening the immediate evil of the existing situation I feel confident; and this in itself would be a sufficient reason for adopting it. But in my opinion an even more important result of it would be that it would bring repeal of the Amendment into something like hailing distance (20).

Again, this view was officially ratified by Smith in his speeches which advocated enlargement of the legal alcoholic content of beverages as a measure of ‘‘some immediate relief,’’ to be followed by repeal of the Eighteenth Amendment, as applied to States that desire its repeal. This, in ex-Governor Smith's opinion, will result in better enforcement of the Amendment and the Volstead Act in the States that remain dry. Meanwhile, fully expressing his belief that real enforcement is impossible under the law as it stands, ex-Governor Smith promised in his speech of acceptance: "I shall to the very limit execute the pledge of our platform 'to make an honest endeavor to enforce the Eighteenth Amendment and all other provisions of the Federal Constitution and all laws enacted pursuant thereto.' "

DRY VIEW

Compelling Influence of Public Sentiment

His first published utterance on Prohibition enforcement as Chairman of President Hoover's Commission for the study of crime and law enforcement by George W. Wickersham, formerly Attorney General of the United States, was read July 16, 1929, at the Conference of Governors at New London, Conn., by Governor Roosevelt of New York. In a letter to Governor Roosevelt Mr. Wickersham said, in part:

> President Hoover in his inaugural address emphasized the need of an urgent respect for law and the improved treatment of crime and criminals. In his address to the Commission on its organization, he said:

"A nation does not fail from its growth and wealth or power, but no nation can for long survive failure of its citizens to respect and obey the laws which they themselves make; nor can it survive decadence of the moral and spiritual contracts that are the basis of respect for law, nor from neglect to organize itself."

To defeat crime and the corruption that flows from it, he expressed the hope that the Commission shall secure an accurate determination of effect and cause, following them with constructive, courageous conclusions which will bring public understanding and command public support of its conclusions.

In a previous statement to the press the President stated that the purpose of the Commission was to examine and critically consider the entire Federal machinery of justice, construction of its function, simplification of its procedure, the provision of additional special tribunals and better selection of juries, the moral, effective organization of our agency of investigation and prosecution. It will also naturally include consideration of the enforcement of the Eighteenth Amendment.

From these statements you will understand what a broad scope we have and what a heavy duty is laid upon us. Every intelligent person must be aware that the general attitude of the American people toward the law has fallen far short of what it should be. It is not only shown in the open disrespect for the Volstead law, but in the general attitude of ''beating the law'' so long as one can get by with it. . . .

Of course, one of the most serious subjects we must deal with is the enforcement of the Eighteenth Amendment. That measure has written into the Constitution of the United States a prohibition of the importation, manufacture, transportation and sale of intoxicating liquors for beverage purposes.

The amendment confers upon the States concurrent jurisdiction with the National Government for the enforcement of this measure. Thus far the Federal Government alone has borne the brunt of enforcement.

It seems to me that the Governors' Conference might well consider approaching the Federal Government on some feasible proposal to share this burden. If the National Government were to attend to preventing importation, manufacture and shipment in interstate commerce of intoxicants, States undertaking the internal police regulations to prevent sale, saloons, speakeasies and so forth, national and State laws might be modified so as to become reasonably enforceable and one great source of demoralizing and pecuniarily profitable crime removed.

Every State Executive has sworn to support and defend the Constitution of the United States. The Eighteenth Amendment is a part of the Constitution, just as much as any other part of it. Surely it is pertinent to their conference to suggest and consider how they may best carry out their solemn undertaking.

This proposal has been debated by the Drys, with leading exponents of the Eighteenth Amendment supporting and opposing it. For example, Mrs. D. Leigh Colvin, President of the New York State Woman's Christian Temperance Union, declares that ''no modification of the Volstead law can legalize what the Eighteenth Amendment prohibits, and I can see no hope held out to the wets in any statement made by Mr. Wickersham.''

In its official organ, the Clipsheet, The Board of Temperance, Prohibition and Public Morals of the Methodist Episcopal Church, in its issue of July 21, 1929, commented:

> In brief, Mr. Wickersham suggested (1) enactment in all the States of Prohibition enforcement laws, and (2) a recognized definition of Federal and State responsibilities in Prohibition enforcement, with the Federal Government limiting its activities to a discharge of purely Federal functions and the States doing the detail police and judicial work necessary for the suppression of the illegal retail liquor trade.
>
> It is not at once apparent why these suggestions should be considered revolutionary. The Board of Temperance, Prohibition and Public Morals of the Methodist Church, the other dry organizations and leaders have consistently recognized the division between the Federal Government and the States of responsibility in regard to Prohibition enforcement, a division which is clearly and

naturally indicated by our form of government.

Prohibitionists have never believed that it is desirable to set up a national police force of such size as to cover the nation for the sole purpose of the enforcement of the Prohibition law.

The suppression of bootleggers and speakeasies should be done by the State and municipal police, as incidental to their general duties, while the suppression of minor manufacture should be, as it has always been, a joint duty of the State and Federal governments.

The Federal Government is directly concerned with the suppression of liquor smuggling, with the regulation of the legitimate use of alcohol under permit, with the prevention of the diversion of industrial alcohol to illegitimate uses, with the stopping of interstate transportation and with similar activities which have always been constitutionally of interest to the Federal executive and judiciary.

The Prohibition amendment to the Constitution itself and the use of the phrase ''concurrent jurisdiction'' imply that this division of responsibility will be recognized, and it has been recognized in practice, for, contrary to a widespread belief, a very small part of the activities of the Prohibition Unit and other Federal enforcement organizations has been devoted to police detail.

Mr. Wickersham, as any intelligent citizen, must be seriously concerned by the indisposition of certain States to assume their duties in regard to Prohibition enforcement, and he appeals to the Governors that such assumption of responsibility may be universal.

Dereliction has not been confined to the so-called wet States, for in many dry States it has been apparent that the officials, and to a certain extent the people, have been willing to throw the entire burden of prohibition enforcement upon the Federal Government, with the result that unsatisfactory conditions have grown up in communities formerly free from them.

Mr. Wickersham makes use of the unfortunate word ‘‘modification’’ in a paragraph which seems to suggest an adjustment of State and Federal statutes for the purpose of facilitating co-operation in enforcement.

Interpretation of ‘‘modification’’ to imply that State laws may be enacted which in fact legalize alcohol content in beverages prohibited by the Federal Constitution we believe an entirely mistaken one.

A standard must be set up, and naturally it must be established by the Federal authority. It is so established and it is now essential that all of the States should manifest good faith in conforming to this standard and in lending the entire assistance of the State organization to enforcement.

The States should take a pride in such management of their own affairs; they should be humiliated by any necessity on the part of Washington to enter into local situations with Federal police.

> In our opinion it will not be desirable that the Federal Government should surrender its liberty of action. Even now, citizens in considerable numbers complain that they are not receiving from their local and State police the protection that they are entitled to under the Federal Constitution.
>
> In such cases where the rights of citizens to security from depredations of the liquor traffic are ignored, the Federal Government has the unpleasant duty to intervene, but it is in all cases an unfortunate necessity and greatly to be deplored.
>
> We believe that the attitude now manifested by the State Governments of New York, Maryland and a few other States is a passing phase, an expression of dissent which has been inspired by the general propaganda against the law and against the Federal Government.
>
> A prolific cause of crime has been the nature of the opposition to the prohibition law, and the President himself would be justified in appealing directly to the people against attacks which inspire the ignorant, the evil and the thoughtless to rebellious feeling and action.

Diverging from this view, Bishop James Cannon, Jr., Chairman of the Board of Temperance and Social Service of the Methodist Episcopal Church, South, and Dr. E. L. Crawford, secretary of that body, criticized Chairman Wickersham's suggestion, as follows:

There is much merit in this suggestion of division of enforcement work, and it would seem that if any Governor was anxious to carry out his solemn undertaking to support and defend the Constitution, including the Eighteenth Amendment, he would give very serious consideration to such a proposal.

But for some unexplained reason Mr. Wickersham did not stop at that point. He tied up this proposed division of enforcement activity with the further statement, "National and State laws might be modified so as to become reasonably enforceable." Here we have haze and uncertainty and not only possible but actual present defeatism, flatly declared, for certainly the natural interpretation of Mr. Wickersham's language is that national and State laws are not now reasonably enforceable and require modification before they can be reasonably enforced.

No prohibitionist claims perfection for either the Volstead act or the prohibition enforcement laws of the several States. The passage of the Jones-Stalker law indicated the necessity for amendment of the Volstead act and other modification of the prohibition laws doubtless will and should be made.

But just why this modification should be tied up to a proposal to divide enforcement activity between the State and national governments is not only not clear but it seems to intimate the necessity for some kind of bargaining by means of which certain states would be persuaded to perform their prohibition enforcement duties, should they be given certain concessions, which concessions, however, are not indicated and which may not have been in Mr. Wickersham's mind.

The concession which has been most earnestly and clamorously demanded is the right to increase the alcoholic content and the definition of intoxicating liquors in the Volstead Act, giving to the several states the rights to permit the manufacture and the sale of liquors whatever alcoholic content said state might determine, provided such alcoholic content would not come under the condemnation of the United States Supreme Court as intoxicating in fact.

Mr. Wickersham does not state whether or not he has in mind such a modification of the Volstead Act, or indeed what modification he believes could be made so as to make the laws reasonably enforceable. Would it not have been better to have said nothing about modification than to sound a note inviting suspicion and declaring probable defeat unless a suggested not indefinite modification is made?

While, however, until Mr. Wickersham amplifies and explains what he means by the expression ''National and State laws might be modified so as to become reasonably enforceable'' that statement must be regarded as premature and defeatist. That statement should not prevent any Governor, including Governors Ritchie and Roosevelt, who has honestly sworn to support and defend the Constitution of the United States, including the Eighteenth Amendment, from hearkening

> to Mr. Wickersham's appeal to consider how he can best carry out his solemn undertaking and co-operate with the Federal Government in prohibition enforcement work.

No formal action was taken by the Governors' Conference on Chairman Wickersham's letter, as it was contrary to its rules to act as a body on controversial matters. But out of the suggestion a more definite and effective division of Federal and State labors in the work of enforcement may eventuate. The crucial point, as wets and drys quite generally agree, relates to the question whether public sentiment, and, in large degree, local public sentiment, is sufficiently compelling to bring about adequate enforcement.

On January 13, 1930, President Hoover's Law Enforcement Committee, of which Mr. Wickersham is Chairman, sent the first report to Congress. It made four recommendations in this preliminary report. They were:

1. Transfer of enforcement agencies, except for industrial alcohol permit section, from the Treasury to the Justice Department.
2. Codification of all Federal prohibition statutes, of which there are now twenty-five, including the Volstead Act.
3. Strengthening of padlock processes, now evaded, by permitting courts to make an unlocated property owner a party by designating him "unknown owner or claimant of some interest in the property described."

> 4. Relieving congestion in Federal courts by one of these three methods: Increasing the number of Federal judges; creating inferior "Federal police courts"; authorizing District Attorneys, in cases "of casual or slight" violations, to prosecute by complaint or information rather than indictment, and in such cases limit penalties to $500 fine or not more than six months' jail sentence without labor. The commission advised against the first two alternatives, except as a last resort.

Bishop William T. Manning of New York, who has never been accused of being a fanatical dry, does not despair of a proper enforcement of the Eighteenth Amendment and the Volstead Act, and declares his conviction that an overwhelming public sentiment is behind such enforcement. In a sermon delivered in New York on October 7, 1928, Bishop Manning said:

> First, Prohibition is the law adopted by the overwhelming majority of our people after long consideration and discussion, and, judged by its results on the whole, it is a good law. It is one of the greatest efforts toward moral and social betterment that has ever been attempted, and our action in making this effort is influencing the thought of the world.
>
> ### *Evils Are Exaggerated*
>
> Second, some great and serious evils have resulted from this law, but these evils are

often exaggerated by those who oppose the law, and most of these evils are due not to the law itself, but to failure to observe and enforce it. Most of those who oppose and even disobey the law admit that it would be a benefit to our country if it were properly observed. What is now needed is not abandonment of the undertaking when we have only just begun it, but more earnest effort for enforcement of the law and more thorough and impartial investigation of the facts relating to it.

Third, the assertions that this law cannot be enforced come, most of them, from those who do not wish the law to be enforced, and who admit that they hope to see it repealed on the ground that it cannot be enforced. As to the possibility of enforcement, I agree with the statement made a few days ago by Mr. Thomas A. Edison that it can be enforced reasonably well if proper effort is made, and that it is already better enforced than some of our other laws, as, for example, the law against narcotics and the law against holdups. I think Mr. Edison also gave tersely and truly the answer to the contention that this law should be repealed because it is an encroachment upon personal liberty. Mr. Edison said, as reported, "What is civilization anyway but a restraint on personal liberty? If liberty were to run wild we would have no advancement. Civilization becomes better only as we curb liberty in the interest of the general welfare. Of course, we do it in everything."

Drunks Found No More In Gutter

Fourth, as to the actual working of the law, my work as Bishop takes me into every part of this city and my belief, based on observation and inquiry, is that hampered as enforcement is here, from the fact that we have no State enforcement act, and strong as the sentiment against the law is in this city, the conditions are nevertheless better than they were in the old days before Prohibition was adopted. I see less drunkenness in the streets and public places, and my friends of the Salvation Army, who are in very close and constant contact with these conditions, tell me that in every department of their work they find great improvement as a result of Prohibition. And there is one part of their work that has entirely disappeared, and that is the picking up of drunks out of the gutter. To the plain people, who are the life of our country, I believe this law has already brought great benefit. It has done great things for the women and children in the homes of the wage workers of our land. I support it because of the benefits that it is bringing to the lives and homes of the plain people. . . . My belief is that before long the attitude of violent opposition to this law will be regarded as an old man's view and that youth will take its natural place on the side of idealism and progress and of that which is for the greatest good of the greatest number.

Fifth, it may be that in course of time the

Volstead law will be in some degree modified. I think that is quite possible, but I doubt if the American people will listen to this until it is proposed by those who are known to be friends of Prohibition instead of by those who are known to be its enemies. When this law is being satisfactorily observed and enforced this will perhaps be considered. At present our people feel, and not without reason, that the proposals for modification usually mean, and are intended to mean, practical nullification.

Cannot Enforce By Making Law Moist

With reference to Bishop Manning's remark that "eight years is an exceedingly short period for such an undertaking as this," the organized effort headed by leaders of the type of Elihu Root and Nicholas Murray Butler to have the Amendment at its inception declared unconstitutional indicates that their quarrel is with the law itself and not with its enforcement. As the leading wets admit and proclaim, it is not enforcement but nullification which they seek, either by modifying the law to permit the manufacture and sale of intoxicants, or by measures leading to its total repeal. The declaration of the Carnegie Institution of Washington that there is "no longer room for doubt in reference to the toxic action of alcoholic beverages as weak as 2.75 per cent by weight" disposes effectually of any argument for better enforcement by enlarging the permissible alcoholic content of beverages under the law. The courts of the States and of the Federal Government must follow the findings of science in this regard. Hence ex-Governor Smith's measure of "immediate relief" would have to be declared invalid, as his 2.75 per cent law in New York was declared invalid.

If Prohibition cannot be enforced by making it moist, can it be enforced under the bone-dry law?

Example of Pennsylvania

An intensive study of the effects of the Volstead Act and its supporting State law in Connecticut, notwithstanding the prevailingly wet sentiment of its people, has been presented in the chapter headed "In a Typically Wet State?" A similar study might have been made of Pennsylvania, where the beneficial effects of enforcement have more than proved its possibility. In his address to the legislature of Pennsylvania on January 4, 1927, Governor Gifford Pinchot said:

> In January, 1923, Pennsylvania combined, as did no other State in the Union, the three great sources of illegal drink—whiskey, alcohol, and beer. More whiskey was stored in the Pittsburgh U. S. Revenue District than in any whole State except Kentucky; scores of crooked alcohol concerns were running in Philadelphia under Federal permit and were

> diverting into bootleg channels millions of gallons of poison drink each year; and 156 breweries were pouring out illegal high-powered beer all over the State.
>
> The Federal service for enforcing the Eighteenth Amendment, with its entire control over the sources of illegal drink, had broken down not only disgracefully but dishonestly. Its principal officials in Pennsylvania, having been selected for their known character, were under indictment for crime. United States District Attorneys, especially in Pittsburgh and Philadelphia, had encouraged the big liquor law violators by their inaction and worse, and had dispelled all fear of punishment under Federal law. . . . Most important of all, there was no State enforcement law under which to deal with liquor law violators or compel respect for the Constitution of the United States.

With the aid of Major William Burnet Wright, Jr., special counsel in charge of Prohibition, Governor Pinchot reported the following results during his four-year term:

> The licensed saloon has been driven from Pennsylvania. The most effective method ever employed against law breaking saloons, breweries, and distilleries has been adapted to Pennsylvania conditions and finally fought through the Supreme Court and upheld by it. This is the method of padlocking under injunction. . . . A recent check-up shows the following results:

For this check-up, thirty-three cities and towns were selected to include the worst parts of the State. In these the locations of 665 saloons which our inspectors had visited and seen openly breaking the law in 1923 were revisited in the autumn of 1926. Four hundred and three of them, or nearly two-thirds, were closed and gone.

To-day the drinking places that still remain are not open saloons but furtive speakeasies, and in nearly every case they are suspicious of strangers and afraid of being caught. Even the speakeasy as a serious problem does not exist in forty-two counties covering more than two-thirds of the area of the State.

. . . Of the 156 breweries that were operating in January, 1923, ninety-five, or nearly two-thirds, are gone. Of the sixty-one still running in the State today, fifty-one are operating under Federal permit. . . .

In the special session of 1926 the Alcohol Bill was passed. This is the most important enforcement measure yet secured in Pennsylvania. It creates the Alcohol Permit Board, which has the right to permit or not to permit alcohol distilleries to operate, together with the right of complete inspection at any time. It has also the same powers over breweries, as well as the right to the fullest information about the business of each concern. The operations of the Alcohol Board in revoking the permits of law breaking breweries have had the most healthful effect in restraining these sources of illegal drink.

Thus the administration of Governor Pinchot furnished in advance an example of how the suggestion of State co-operation made by Chairman Wickersham might be applied in strict accordance with the letter and spirit of the Eighteenth Amendment.

CHAPTER XXII

CONCLUSIONS AND SUGGESTIONS

In making amends for the defect of the book, "Prohibition at Its Worst," namely, that it failed to summarize the arguments which the opponents of Prohibition had marshalled, we have been singularly rewarded. After presenting the most representative views on both sides of this bitterly controverted subject, together with the evidence *pro* and *con* from authoritative sources, certain conclusions stand fairly revealed.

Industry Enforces Private Prohibition

FIRST, the testimony adduced on the wet side in Chapter II, shows clearly that Private Prohibition has progressively restricted the personal liberty to drink of countless thousands. The champions of personal liberty on the side of wetness and defiance of Public Prohibition—including ex-Governor Alfred E. Smith of New York, John J. Raskob, Clarence Darrow, Nicholas Murray Butler, and Pierre S. duPont, Chairman of the Executive Committee of the Association Against the Prohibition Amendment—face the practice of Private Prohibition, enforced by employers under penalty of loss of livelihood, with acquiescence or explicit assent.

Private or Employer Prohibition goes on in the midst of the controversy over National Prohibition. It was practiced quite generally before National Prohibition by many great manufacturing and transportation industries. This practice was dramatically revealed in the blacklisting, by the United States Brewers' Association, of E. I. duPont de Nemours & Company, and of constituent companies of the General Motors Corporation during the war, because they, or their heads, were enforcing abstinence from intoxicating liquors among their employees. Largely because of the penalties of the workmen's compensation and employers' liability laws, and from considerations of output requirements, the situation has brought about a more absolute form of Prohibition, privately enforced, than that embodied in the Eighteenth Amendment or the Volstead Act. Mr. duPont defines the principle with precision when he says:

> I believe there is some confusion in regard to Prohibition by law and Prohibition by an employer. If certain work involving danger to life and property requires absolute sobriety, I cannot find fault with the employer refusing to employ a man who shows any sign of contact with alcohol when he reports for work, and, in fact, where the employer may

> be held liable for the action of the man employed, he may, if he choose, properly decline to employ a man who uses intoxicants at any time.''

Opinion Sanctions Public Prohibition

SECOND, the overwhelming weight of scientific, administrative, and popular opinion is on the side of Public as well as Private Prohibition of the liquor traffic. Not even the most ardent wet opposes the abolition of the saloon, which is directly due to Prohibition. This public support is accorded for reasons identical with those urged by employers for Private Prohibition. Congressman Franklin Fort, of New Jersey, in his speech in the House February 1, 1930, states that Prohibition ''did not lift itself by its own bootstraps, but was created by two irresistible groundswells in our national life for which it was but the channel.'' One of these groundswells was the forming of a ''new code of social ethics'' resulting in the ''emergence of wives and children from the complete control of their lords and masters,'' and culminating in the adoption of woman suffrage. The second groundswell was the ''growing trend toward the mechanization of our whole life and the systematizing of our industry.'' With high-speed machinery and increased specialization in its use, Mr. Fort said, ''alertness of mind and body became essential for both the safety of the worker and the efficiency of his work.'' He added:

> ''Nor could industry stand strikes. The competitive pace was too fast. Most strikes were caused by poverty and poverty thrives on liquor. Then, too, machines were fast replacing horses. Now a horse would get home with a drunken driver, but a railroad train, a trolley car or an automobile might not. So, somehow, we must try to keep our drivers cold sober, and, of course, the licensed drinking place, for its very livelihood, had to try to make them drink. The swelling power of our new economic era, therefore, had to match its sword against the saloon.''

Administratively, a cogent reason for Public Prohibition is stated by Robbins Stoeckel, Commissioner of Motor Vehicles of Connecticut, when he says that the driver who is quite drunk is usually not dangerous because he is so easily detected or incapacitated, but that the ''really dangerous driver is the man who has had one or two drinks only, who still thinks he is in possession of his faculties, but whose driving judgment has been impaired.'' A moderate drink, a slight swerve in the wrong direction, colliding with any one of the twenty-five million motor vehicles that crowd the nation's highways, may result fatally.

Scientifically, the reasons justifying Public Prohibition in the interest of safety are summed up after exhaustive researches by Miles and Dodge in the Nutrition Laboratory of the Carnegie Institution of Washington, by their Director, Dr. Francis G. Benedict. Doctor Benedict says that after very moderate doses of alcohol, virtually all individuals are affected with general depression of nerves and muscles, lessened sharpness of vision, and lessened eye-hand motor co-ordination. He declares that "the driver of an automobile in the traffic of a modern American city has no business to undertake his task after drinking even these so-called 'permissible amounts' of alcohol." Again, he says: "Clearly, dilution, even to 2.75 per cent, cannot solve the alcohol problem, nor can it alter our estimate of the effect of alcohol upon human efficiency." Yet again: "Inflexible science says: 'Moderate user, keep off! For at least four hours after a dose of alcohol formerly considered "permissible," you, as a motor vehicle operator, may well be considered a "menace to society."' "

Canadian and British Conditions Not Preferable

THIRD, results of the dispensary system in Canada show, as in the case of the South Carolina experiment, that political ownership and operation of the liquor traffic serves to increase the consumption of alcohol and fails to check bootleggery. The record shows that in all Canadian provinces that have used some form of the dispensary system sales have steadily increased. Retail bootlegging flourishes under a system that makes it easy for the unlawful vendor to buy his supplies lawfully of the Government.

Moreover, the fact that Great Britain at its best under a highly taxed and more strictly regulated traffic in intoxicants compares favorably with the United States at its worst under Prohibition furnishes no reason for failure to try Prohibition under better conditions of procedure by an Administration pledged to enforcement.

Bettered Enforcement, Lessened Consumption

Fourth, while liquor consumption in Canada has increased under the dispensary system, it has diminished in the United States under Prohibition. This is confirmed by recent reports of Prohibition Commissioner Doran and ex-Assistant Attorney General Mabel Walker Willebrandt, as to checked diversion of industrial alcohol into illegal channels and more effective measures against smuggling. It is confirmed by a report of the Department of Commerce showing the birth during National Prohibition of the export trade in American grapes, its rapid growth, and the dwindling of the hop-growing industry. It is confirmed by the ruling high price of bootleg liquors which alone places them, for more than occasional use, beyond the purse of the average family among ninety million people of the United States; excluding the thirty million who constitute the more well-to-do classes, these ninety million have an income only slightly in excess of the minimum needed for the simplest comforts and decency. It is further confirmed by the best information available showing that the curve of arrests for drunkenness has found a level far below the pre-Prohibition level.

Finally, it is confirmed by two recent estimates of the annual consumption of beverage alcohol in the United States. One of these estimates is by John C. Gebhart, Secretary of the Association Against the Prohibition Amendment, as presented to the American Statistical Association in Washington December 27, 1929. This is chiefly valuable as discrediting, coming from the wet side itself, the astonishing astronomical figures of Hugh F. Fox, Secretary of the United States Brewers' Association.

Mr. Fox's estimate of spirits consumed in 1926 was 251,000,000 gallons; Mr. Gebhart cuts this to 180,000,000 gallons. This, in turn, is thirteen times the 14,000,000 gallons estimated by Robert E. Corradini, Research Secretary of the World League Against Alcoholism. In like manner Mr. Gebhart reduces Mr. Fox's estimate of beer annually consumed to a minimum of 425,000,000 gallons, against Corradini's estimate of 25,000,000 gallons. Mr. Gebhart reckons wine consumption at 150,000,000 gallons annually; Mr. Corradini makes it 48,000,000 gallons, or only one-third as much. The

Gebhart estimate is not yet available in its entirety. The Corradini estimate appears in full in Chapter XIV. Its painstaking quality should be manifest to any statistician. Mr. Gebhart admits that "no one knows how much liquor is now being consumed in the United States." But, using his figures, it must be far less than before Prohibition, while Corradini's estimate would make it only a small fraction of pre-Prohibition consumption.

Economic Gains Are Undisputed

FIFTH, so far as I can ascertain after diligent and thorough search there is no economist in the United States who opposes the view that the nation has gained enormously in an economic sense from National Prohibition. The testimony in this regard is detailed in Chapter VIII.

Recent Substitutes for the Saloon

SIXTH, in recent years efficient substitutes for the saloon have been provided in the motor-car, the radio, the motion picture, and in the applied principle of specialization in industry and modern life.

As this principle is applied in industry, in the departments of stores, in simplifying and standardizing products, in specializing the professions and the arts, and in single-operation machines, the intent is to deliver workers, their employers, and men of the professions of harassing cares by centering their attention upon relatively simple operations and problems.

Thus, in the great General Motors organization every set of problems is assigned to a separate company; within each constituent company it is split and departmentalized, so that executives and men are freed from complexity. Along with this simplification has come increased efficiency. The American workday has been shortened from sixteen hours to fourteen and twelve, and from twelve to ten, and from ten to eight, leaving half the waking day free for personal and family concerns.

With this has come deliverance from the longing for oblivion, in drink, from the distresses and incoordinations of an existence of wretched toil. In this age ''misery drinking'' has been supplanted, for the majority of our people, by leisure, higher education, interest in developing new industries such as aviation, the electrical and motor-car industries, and the pleasurable focusings of attention upon the radio, the moving picture, sports and travel.

Seventh, despite the fact that Prohibition has recorded great gains in the respects enumerated above, present conditions of law enforcement under National Prohibition are intolerable and must be corrected. I say this notwithstanding my opinion, after careful assessment of available data, that Prohibition is less of a failure than any other measure for the control of the liquor traffic that has ever been applied in this or in foreign lands. I have never known of any human law or administration of law that was a 100-per-cent success. I have never believed in Prohibition as a matter of religion or moral principle, and only gradually came to believe in it as a measure of expediency. Even so I regard it as an experiment. It has not yet ''made good'' since the period when Prohibition swept clean, so to speak, as a new broom. Great urban centers are still ''dripping wet.'' This is largely because of lax enforcement among populations with alien traditions of an immigrant past, coupled with the cult of ''personal liberty'' and manifest lack of education concerning the physiological effects of so-called moderate drinking. This cult is helped along by an ambiguity in the Eighteenth Amendment itself, which forbids manufacture as well as sale of beverage intoxicants. Yet it does not, and is not intended to, prohibit possession and drinking of intoxicants by the individual.

The Amendment, in one of the forms originally proposed, did not prohibit the ''manufacture'' of intoxicants, but their ''manufacture for sale.'' It was aimed unequivocally at the commercial traffic in liquors, leaving in abeyance the question of individual liberty to manufacture and serve liquors within one's home and to one's guests. The Amendment as finally drafted and adopted prohibits the ''manufacture, sale or transportation of intoxicating liquors for beverage purposes.'' Thus worded, the personal liberty objectors have persuaded multitudes that the Amendment actually forbids a person to drink, and drinkers generally believe that by that act alone they are violating the Amendment and its supporting laws.

Because of the conditions of lax enforcement, the sharp challenge to the Federal Administration uttered by Senator William E. Borah on Christmas Day, 1929, declaring that Prohibition would ''never be enforced with the present personnel from top to bottom'' should receive prompt and thorough response from the Administration. Mr. Hoover has already put in operation a plan of research and co-operation similar to that outlined in the Introduction to this book. The National Commission on Law Observance and Enforcement early in 1930 made a preliminary report. It has found the courts overburdened, and has suggested means of reorganizing them, concentrating responsibility in detection and prosecution of violators, the joining of forces to prevent smuggling, and other measures of procedure. Congress has passed the measure to transfer enforcement functions from the Treasury to the Department of Justice. But all this should be supplanted by an overhauling of personnel after scrutiny of the work of enforcement officials. The letter published in January, 1930, by Attorney General Mitchell, announcing that thereafter no Federal marshals or other enforcement officials should be maintained in office whose sympathies were wet or opposed to the Prohibition laws, is a step in the right direction.

A word may be said as to the personal liberty propaganda. In his defense of the Eighteenth Amendment and the Volstead Act, Congressman Fort has urged that they should be satisfactory to the wets, because, in his opinion, the Volstead Act ''clearly lifts cider and light wines, homemade for home use, out of the one-half of one per cent definition, and, as to them, to apply the test of intoxication in fact. And, of course,'' Mr. Fort concludes, ''if they can be lawfully made they can be lawfully possessed in the home of the maker and used by him, his family and his guests.''

But the Eighteenth Amendment specifically prohibits the ''manufacture'' of intoxicating beverages. This prohibition does not apparently exempt the home. It is doubtful whether the term ''manufacture'' can be so construed as to exclude ''home brew,'' although ''manufacture'' of cigarettes has been construed as excluding rolling one's own cigarettes; and it is even more doubtful whether ''intoxicating in fact'' can rightfully be so construed as to exclude even near beer, although theoretically Congress can make any definition it chooses. Scientific authority could scarcely sanction any definition of intoxicating liquor which would admit the kind of home brew demanded.

Yet, it is absurd to expect home production to be prevented by enforcement officers. For this reason and in respect for the tradition that an Anglo-Saxon's ''home is his castle,'' I have long thought that the Eighteenth Amendment should have more explicitly exempted the home. This could have been done by the insertion of the two words ''for sale'' after ''manufacture.'' This would have forestalled the major part of the protests of the ''personal liberty'' objectors. In answer to them it would have been possible to say: ''You may have all the liquor you want—hard liquor, if you please—but only for personal consumption by yourselves and your guests within your homes, and not for sale.''

Such an amendment would automatically have decreased by thousands, if not millions, the number of violators of the law.

It would have permitted a more thorough elimination of bootlegging, because people generally would have little sympathy for the rich who insist upon patronizing the bootleggers.

Summary

Summing up, it may be said that Prohibition has already accomplished incalculable good, hygienically, economically and socially. Real personal liberty, the liberty to give and enjoy the full use of our faculties, is increased by Prohibition. All that the wets can possibly accomplish is laxity of enforcement or nullification; in other words, enormously to increase the very disrespect for law which they profess to deplore. Hence the only satisfactory solution lies in fuller enforcement of the existing law.

Supreme Court of the United States
Washington, D.C.

November 21, 1928.

My dear Irving:

Thank you for sending me your new book. I shall read it with a great deal of pleasure.

In the late campaign I found myself in a very awkward situation. I could not issue any publication during it, because of my being on the Bench, and yet the New York World published my anti-prohibition letters written to Lincoln before the adoption of the Amendment, and then nobody seemed to take the trouble to publish my speech at Yale given after the Amendment was adopted. But the result is glorious and points the only way that we have to work out the problem presented. The solution requires a great deal of time and patience. The habits of an important section of a congested part of the country can not be changed over night or in years. The reform and the adaptation of society to that at which the Amendment aims must be gradual. The temptation of corruption will drag it out. ~~but,~~ While looking ahead at the Amendment I despaired of any success, I really think that it is possible, if we keep at it, to achieve a satisfactory result. The persistence with which the people maintain in Congress a two-thirds majority in both Houses gives me much hope, and I am inclined to think that this will wear down the moderate wets to a consciousness that the only solution is pressure in favor of enforcement.

I see that the wets claim that the election was not a prohibition victory. Well, one can not argue with that view, and can only let those who believe it continue to believe it.

As ever yours,

Wm H Taft

Prof. Irving Fisher,
Yale University,
New Haven, Conn.

LIST OF AUTHORS, TITLES, AND PUBLISHERS

1. Durant, W. C.—Law Observance. Durant Award Committee. N. Y. 1929. Pp. 573.
2. Darrow, Clarence, and Yarros, Victor S.—The Prohibition Mania. Boni & Liveright. N. Y. 1927. Pp. 254.
3. Hill, Dr. Alexander.—The Body at Work. London.
4. Newton, Clark R.—Opium and Alcohol.
5. U. S. Senate: Doc. No. 62. Report and Hearings of the Subcommittee on the Judiciary. U. S. Senate. 66th Congress. (Brewing and Liquor Interests and German and Bolshevik Propaganda.) 1919. 3 Vols. Pp. 4,240.)
6. DuPont, Pierre S.—Eighteenth Amendment Not a Remedy for the Drink Evil. Association Against the Prohibition Amendment. N. Y. Pamphlet. Pp. 10.
7. Benedict, Dr. Francis G.—Alcohol and Human Physiology. Industrial and Engineering Chem. Vol. 17, No. 4, pp. 423ff. American Chemical Society. N. Y.
8. Cherrington, Ernest H.—Answers to Favorite Wet Arguments. Current History, August, 1928.
9. Feldman, Prof. Herman—Prohibition: Its Industrial and Economic Aspects. D. Appleton & Co. N. Y. 1927. Pp. xv+415.
10. Fisher. Prof. Irving—Prohibition at Its Worst. Alcohol Information Committee. N. Y. 1927. Pp. xiv+255. 12th edition.
11. Federal Council of Churches of Christ of America—The Prohibition Situation. Religious Publicity Service, Federal Council of Churches. N. Y. 1925. Bulletin.
12. Moderation League (N. Y.)—National Survey of Conditions Under Prohibition. (Pamphlet.) 1927.
13. The New York Committee of Fourteen—Report of 1927.
14. Channing, Alice—Alcoholism Among Parents of Juvenile Delinquents. (Preprint of U. S. Children's Bureau.) Social Service Review. Sept., 1927. Pp. 357–383. University of Chicago Press. Chicago.
15. Bruere, Martha Bensley—Does Prohibition Work? Harper & Bros. N. Y. 1927. Pp. vii+329.
16. British Medical Research Council—Alcohol: Its Action on the Human Organism. His Majesty's Stationery Office. London. 1924. Pp. xx+170. Second revised edition.

17. Lambert, Dr. Samuel W.—The Medicinal Use of Alcohol in Acute Infectious Diseases. New York Medical Journal and Record. February 15, 1928.

18. Lambert, Dr. Alexander—Discussion of "The Medicinal Use of Alcohol in Acute Infectious Diseases," et al. New York Medical Journal and Record. February 15, 1928.

19. Pastorello, Domenico—Bene Sociale. January, 1929. Comitato contrale Italiano contra L'Alcoolismo. Milan, Italy.

20. Franklin, Dr. Fabian—The A. B. C. of Prohibition. Harcourt, Brace & Co. N. Y. 1927. Pp. v+150.

21. Gore, John K.—(Study submitted to annual convention of the Association of Life Insurance Presidents, December, 1927.)

22. Metropolitan Life Insurance Co. (N. Y.) Statistical Bulletin. January, 1930.

23. Doran, Dr. James M.—The Problem and Policy of Prohibition. (Address at Yale University.) February 20, 1929.

24. Emerson, Dr. Haven—Prohibition and Public Health. Survey Graphic. December, 1928. N. Y.

25. Dublin, Dr. Louis I.—Has Prohibition Improved the Public Health? American Journal of Public Health. January, 1928.

26. Tilney, Dr. Frederick, and Riley, H. A.—The Brain from Ape to Man. P. B. Hoeber. N. Y. 1928. 2 Vols.

27. Kirchwey, Dr. George W.—Crime Wave and Crime Remedies. Survey Graphic. March, 1926.

28. Association Against the Prohibition Amendment (N. Y.)—Measuring the Liquor Tide. 1929. Pamphlet. Pp. 29.

29. U. S. Senate—Hearings: Before the Sub-committee of the Committee on the Judiciary, U. S. Senate, 69th Congress, April 5–24, 1926. (The National Prohibition Law.) 1926, 2 Vols. Pp. 2,272.

30. Fox, Hugh F.—The Present Consumption of Alcohol in the U. S. (Reprint from The Periscope, April, 1927.) U. S. Brewers' Association. N. Y.

31. Hobbs, Jr., S. H.—Gaston County: Economic and Social. University of North Carolina, Chapel Hill. 1920. Pp. 88.

32. Starling, Ernest H., Hutchinson, R., Mott, F. W., and Pearl, R.—The Action of Alcohol on Man. Longmans, Green & Co. N. Y. 1923. Pp. vi+291.

33. British Medical Association—Report of February 17, 1927. London.

34. Strawn, Silas Hardy—(Address before American Bar Association, August, 1928.)

35. Maxim, Hudson—Some Thoughts and Talks on Prohibition.

36. National Crime Commission (N. Y.)—Report. February 27, 1928.

37. Talley, Alfred J.—(Before American Institute of Banking Forum, March 1, 1928.)

38. U. S. Bureau of Census—Patients in Hospitals for Mental Disease. 1923. Pp. 257.

39. Nystrom, Paul H.—Some Important Factors in the Economics of Consumption. (Address before National Retail Dry Goods Association, N. Y. February 8, 1929.)

40. Fisher, Prof. Irving—The Economics of Prohibition. American Economics Review. March, 1927.

41. Willebrandt, Mrs. Mabel Walker—The Inside of Prohibition. The N. Y. Times. N. Y.

42. White, Harrison S.—(In speech to Congress, June 30, 1928.)

43. Levitt, Albert—Enforcement an Increasing Success. Current History Magazine. April, 1928.

44. American Issue, The—Ohio Edition. March 19, 1927. The American Issue Publishing Co. Westerville, Ohio.

45. Wheeler, Wayne B.—Prohibition Enforcement Under Civil Service. Current History Magazine. February, 1924.

46. Turner, Homer—Notes of a Prohibition Agent. American Mercury. N. Y. April, 1928.

47. Muensterberg, Prof. Hugo—American Problems.

48. U. S. Dept. of Justice—Annual Report. December 5, 1927.

49. U. S. Commissioner of Internal Revenue—Annual Reports. Doc. No. 2896, Internal Revenue.

50. Attorney General of State of North Carolina—Biennial Reports.

51. American Automobile Association. (Report made to Irving Fisher directly.) Washington, D. C.

52. Connecticut State Department of Health—Annual and Biennial Reports. Pub. Doc. No. 25. Hartford.

53. Connecticut State Department of Health—Annual Registration Reports of Births, Marriages, Divorces, and Deaths. Hartford.

54. Connecticut State Hospital—Biennial Reports. Pub. Doc. No. 20. State of Connecticut. Hartford.

55. Norwich (Conn.) State Hospital—Biennial Reports. Pub. Doc. No. 51. State of Connecticut. Hartford.

56. Returns of County Commissioners—In Relation to Jails and the Expenditures of the Several Counties. (Biennial Reports.) Pub. Doc. No. 14. State of Connecticut. Hartford.

57. American Standard Medical Dictionary. W. B. Saunders Co. Philadelphia. 1919.

58. Encyclopædia Britannica—The Encyclopædia Britannica Co., Inc. N. Y. 1926. 13th edition.
59. U. S. Dept. of Agriculture—Yearbook.
60. U. S. Dept. of Commerce. Bureau of Foreign and Domestic Commerce—Statistical Abstract of the U. S.
61. Corn Products Refining Co. (N. Y.)—(Information direct to Irving Fisher's Office.) September, 1929.
62. Molnar, N. M. (Molnar Laboratories)—Special Research Report to Irving Fisher. September, 1929.
63. Slosson, Dr. Edwin E.—Creative Chemistry. Garden City Publishing Co. Garden City, N. Y. 1919. Pp. 318.
64. Koller, Dr. A.—La production et la consommation des boissons alcooliques dans les différents pays. Bureau International Contre L'Alcoolisme. Lausanne. 1925. Pp. 98.
65. U. S. Bureau of Census—Marriage and Divorce.
66. U. S. Bureau of Census—Dept. of Vital Statistics.
67. DuPuy, William Atherton—Why a Wet Candidate Will Never Be President. Success Magazine. February, 1927.
68. Crowther, Samuel—Prohibition and Prosperity. John Day Co., Inc. N. Y. 1930. Pp. vi+81.
69. Wines, Frederic H., and Koren, John—The Committee of Fifty (Sub-committee to investigate the Liquor Problem)—The Liquor Problem: in its Legislative Aspects. Houghton, Mifflin & Co. N. Y. 1898. Pp. viii+425.
70. Scientific Temperance Journal—The Present Status of Provision for Public School Instruction as to the Nature and Effect of Alcoholic Drinks and Other Narcotics. Summer, 1929. Pp. 61–69. Scientific Temperance Federation. Boston.
71. Rogers, Oscar H. (M. D.)—The Effect of Alcohol Upon Longevity. New York Life Insurance Co. 1922.
72. Association Against the Prohibition Amendment—The Quebec System: A Study in Liquor Control. N. Y. Pamphlet. Pp. 40.
73. McBain, Prof. Howard Lee—Prohibition: Legal and Illegal. The Macmillan Co. N. Y. 1928. Pp. ix+171.
74. Miles, Walter R.—Alcohol and Human Efficiency. Carnegie Institution of Washington. Washington. March, 1924. Pp. 298.
75. Spence, Ben H.—Liquor Control in Canada. Canadian Prohibition Bureau. Toronto. 1928. Pp. 40.
76. The Quebec Liquor Commission—Annual Reports. Quebec, Canada.

77. Wilson, George B.—The Alliance Year Book and Temperance Reformers' Handbook. United Kingdom Alliance. London.

78. Licensing Statistics—(Statistics as to the Operation and Administration of the Laws relating to the Sale of Intoxicating Liquors in England and Wales.) His Majesty's Stationery Office. London.

79. Newsholme, Sir Arthur—The Elements of Vital Statistics. D. Appleton & Co. N. Y. 1924. Pp. 623.

80. The Provincial Bureau of Health of Quebec—Principles of Hygiene. The Government of the Province of Quebec. Canada. Second edition. Pamphlet. Pp. 19.

81. The Brookings Institution (Schmeckebier, Lawrence F.)—The Bureau of Prohibition. U. S. Government Monograph No. 57. Lord Baltimore Press. Baltimore. 1929. Pp. x+333.

82. Statistical Abstract for the United Kingdom—71st number. 1928. His Majesty's Stationery Office. London.

83. Fox, Hugh F.—The Periscope. U. S. Brewers' Association. N. Y.

84. Fisher, Prof. Irving, and Brougham, H. Bruce—Prohibition Still at Its Worst. Alcohol Information Committee. N. Y. 1928. Pp. xxvii+358.

85. The Brookings Institution (Smith, Darrell Hevenor & Powell, Fred Wilbur)—The Coast Guard. U. S. Government Monograph No. 51. Lord Baltimore Press. Baltimore. 1929. Pp. xi+265.

86. Warner, Harry S.—Prohibition, An Adventure in Freedom. World League Against Alcoholism. Westerville, Ohio. Pp. 265.

87. Pickett, Deets—Alcohol and the New Age. The Methodist Book Concern. N. Y. 1926. Pp. 136.

88. Johnson, F. Ernest, and Warner, Harry S.—Prohibition in Outline. The Methodist Book Concern. N. Y. 1927. Pp. 102.

89. Boole, Ella A.—Give Prohibition Its Chance. Fleming H. Revell Co. N. Y. 1929. Pp. 190.

90. Willebrandt, Mabel Walker—The Inside of Prohibition. Bobbs-Merrill Co. Indianapolis. 1929. Pp. 347.

91. Beman, Lamar T.—Prohibition: Modification of the Volstead Law. (The Reference Shelf.) Vol. V. No. 1. H. W. Wilson Co. N. Y. 1927. Pp. 154.

92. Phelps, Edith M.—Amendment of the Volstead Act. Pp. 321–366. (University Debaters' Annual. Vol. XI.) 1924–1925. H. W. Wilson Co., N. Y.

93. Beman, Lamar T.—Prohibition: Modification of the Volstead Law. (The Handbook Series.) H. W. Wilson Co. N. Y. 1924. Pp. lxxii+380.

94. McAdoo, William Gibbs—The Challenge. The Century Co. N. Y. 1928. Pp. vii+305.

95. Royal Commission on Customs and Excise. Final Report. F. A. Acland. Ottawa. 1928.

96. Kelynack, T. N., (M. D.)—The British Journal of Inebriety. Bailliere, Tindall & Cox. London.

97. Appleton, Prof. Jean—La Prohibition de L'Alcool Aux Etats-unis. Editions du "Progrescivique." Paris. 1922.

98. Van Der Meulen, P.—De Waarheid Omtrent Het Amerikaansche Alcoholverbod. J. B. Wolters' U. M. Groningen, Den Haag. 1926. Pp. 193.

99. Bernardi, Alessandro—La Concezione Della Relativita. Stab. Tipo-Lito Cav. M. Bettinelli. Verona. 1926. Pp. 210.

100. Schmolders, Dr. Gunter—Die Prohibition in den Vereinigten Staaten. Verlag von C. L. Hirschfeld. Leipzig. 1930. Pp. 266.

INDEX

"ABC of Prohibition, The," Fabian Franklin, 92

Abstinence (*see* Prohibition *and* Temperance)

Accidents, automobile, 239, 356 *et seq.;* death rate, 234; increase, 232; means of avoiding, 21; victims in Connecticut, 239, 240

"Action of Alcohol on Man, The," E. H. Starling, 3

Active Committee of the Voluntary Committee of Lawyers, Inc., 55

Addicts, increasing, 112

Agriculture, Department of, 267

A. I. C. P. (New York City), 102

Alabama, drunkenness arrests in, 109; dry in 1928 election, 301; Prohibition abandoned, 292; saloons abolished, 291; State Prohibition laws, 307

Alberta, drink bill of, 338; permits in, 328; Prohibition in, 293; provision for habitual drunkards, 342; taverns, 330

Alcohol, abandoned in some clinics, 62; abstinence leading to increased efficiency, 129; action on human organism, 62; after working hours, 19; a human ally, 7; aid to culture, 8; ally to tuberculosis, 237; a poison, 81; characterized a slower age, 88; compared with opium, 64; consumption of absolute, 289; control of industrial, xxxviii; correlation with crime, 5; coupled with Christianity, 7; cutting and diluting of, 286; danger of exaggerated inhibitions, 6; decrease of diversion of industrial, 146; denatured, 283 *et seq.;* discarded as a stimulant, 63 *et seq.;* diversion, 146; diversion of industrial, xxxi; diversion to beverage trade, 284; diversion to illegitimate uses, 178, 184 *et seq.*, 252; "dry" conception of use, 8 *et seq.;* effecting short blockade of ideas, 5; effect on skill, 139; emotional inspirations, 8; ethyl a poison, 80; food, 56; formulæ for denaturing, 195; greater toxicity, 79; habit formation dangerous, 13; harmfulness proved, 309 *et seq.;* illustration from "Principles of Hygiene," 353; improvement in efficiency, 4; industrial uses for, 281; inhibition by, 5 *et seq.;* injury to brain, 64; in Pennsylvania, 438; intemperate use of, 5; laboratory experiments with, 136; loss from illegally diverted, 133; made from corn sugar, 279 *et seq.;* major source of ills, 352; making industrial, 178; means to relaxation, 3 *et seq.;* medicinal uses, 284; medicinal value, 134; mental changes from, 140; more moderate use, 365; narcotic action, 4; necessity in certain diseases, 63; never a stimulant, 62; paralysis of motor centers from, 89; paralytic effect defined, 13; partial paralysis resulting, 6 *et seq.;* pleasure associated, 134; precautions to prevent diversion, 284; production of industrial, 82, 194 *et seq.*, 253; purchase of, 20; rate burned in body, 139; reduction in times of social excitement, 5; relative harm resulting, xxvii; release by unethical, 14; restrictions before Prohibition, 256; retardation for intellectual work from, 4 *et seq.;* retardation of mental associations, 3; scientific experiments on effects, 309 *et seq.;* scientific experiments quoted by wets, 311; smuggling, 184 *et seq.;* sources of supply, 283 *et seq.;* superfluous to artists, 8; symposium, 63; table of consumption, 332; table of consumption in Paris Hospitals, 68; table of prescriptions in Paris Hospitals, 68; therapeutic value, 56; toxic action of, 437 *et seq.;* toxicity studies, 286; traffic danger, 46; use by men, 95; use in hospi-

Alcohol—*Continued*
tals, 66, 67; use of as protest, 226; use of beverage, 3; use of denatured, 185; uses of grain, 283; virtue of invigoration, 12; "wet" conception of use, 3 *et seq.;* "wildcat," xxxi; wood and denatured, 75

"Alcohol and Human Efficiency," Dr. Walter R. Miles, 334

"Alcohol and Human Physiology," Dr. Francis G. Benedict, 375

"Alcohol and Longevity," Raymond Pearl, 310

Alcohol Bill, in Pennsylvania, 440

Alcoholic beverages, convictions for selling, 203 *et seq.;* decrease in consumption, 200; indulgence in Europe, 135; indulgence in United States, 135; prices, 115; sale by state, 323 *et seq.*

Alcoholic Liquor Act, police department to assist in, 326

Alcoholic psychoses, admissions, 240 *et seq.;* cause for decrease in cases of, 99; percentage of, 98 *et seq.*

Alcohol Information Committee, compilation of police returns, 122; table compiled by, 124

Alcoholism, death rate, 83, 84, 132, 352, 374; decline in diseases from, 355; effect on foreign-born, 98; Keeley cures doubled, 107; less delinquency, 105; minimum in 1920, 74, 94 *et seq.;* mortality due to, 72 *et seq.*, 216; poisoned beverages, 74 *et seq.;* reluctance to report as cause of death, 74

Alcohol Permit Board, created, 440

Alliance Year Book, 366 *et seq.*

Almack, Prof. John C., xxxii, *note*

Almack, Malcolm D., essay of, xxxii, *note*

Almshouses, increase under Prohibition, 132; mean age increased, 105

Amendments, Bruce, 170; Harris, 168 *et seq.;* proposed, 169; propositions changed final form, 167 *et seq.;* spirit of, xxxvi

America, inspiration *vs.* sobriety, 8

American Bar Association, 90

American Brewer, estimate of homebrewed malt liquors, 248

American Economic Association, round table on prohibition, 147 *et seq.*

American Economic Review, 147

American Engineering Council, xxxv

American Joint Committee on Health Problems in Education, 317

American Journal of Medical Sciences, 35, *note*

American Journal of Public Health, 96

American Institute of Banking Forum, 92

American Medical Association, 255, 318, 321; alcohol valueless as medicine, 70; "amicus curiæ," 61; House of Delegates of, 56; opposition to the use of alcohol as a beverage, 56; resolution of 1917, 56

"American Problems," Hugo Muensterberg, 4 *et seq.*

American Public Health Association, paper given before, 74

American Statistical Association, 246

Americans, substitution of sports, 14

Anderson, Henry W., xxix

Andrews, Gen. Lincoln C., change for better, 175; cited on corruption, 161 *et seq.;* on effective law, 173 *et seq.;* on home production of liquor, 254; on Prohibition unit, 171 *et seq.;* on smuggling, 194; discharges for malfeasance by, 152; testimony before Senate Committee, 253

Annals, The, 276

Anti-Prohibition letters, Taft's, 457

Anti-Prohibitionists, claims of temperance teaching, 312, 315; propaganda, 316

Anti-Saloon League, 162, 294; aid of, xxiv; cited on Tumey case decision, 160; endorsement of civil service measure, 164; questionnaires by, 50

Anti-Saloon League of Ohio, cited on question of trial, 156

Apple-jack, 248

Appropriations, by Congress, 167; by Senate, 167; debate over, 167; dry view, 175 *et seq.;*

Appropriations—*Continued*
for enforcement, 166 *et seq.;* increase in, 167; insufficiency of, 173 *et seq.;* need of larger, 182; not needed, 177; reason for inadequacy, 175; wets' belief in futility of, 170; wet view, 170

Arizona, dry in 1928 election, 301; State Prohibition laws, 307; temperance education requirements, 314

Arkansas, dry in 1928 election, 301; State Prohibition laws, 307

Arnoll, A. G., cited on use of raisins, 277

Arrests, average rate of drunkenness, 108, 110, 349; chart of, 37; comparative graphs, 373; decreased for drunkenness, 448; downward trend till 1919, 39; for drunken driving, 113 *et seq.;* graph corrected for increased severity, 120; graph for Canada, 350; graph for intoxication, 120; in Boston, 48; increase, 227, 349; increased for drunkenness, 107; increased in Washington, 47; increase in 1927 compared with 1920, 111; in New York City, 39; in 1926, 40; in wet and dry States, 110 *et seq.;* of minors, 39 *et seq.;* on liquor-running vessels, 159; pre-Prohibition, 122; strictness of police in, 119; table for Connecticut, 244; table of convictions in Canada, 351; table of intoxication, 124; table of North Carolina, 202; table per 10,000 population, 372; trend, 38, 45

Arson, penalties, 158

Art, alcohol no prerequisite for enjoyment, 7

Asquith, Herbert, 362

Assault, offenses fallen off, 101

Associated Charities (South Carolina), 103

Associated Press, Hoover's address to, 100

Association Against the Prohibition Amendment, 15, 112, 126, 246, 256, 299; appeal to income taxpayers, 144; campaign fund, 295; cited on cost of Prohibition, 136; on State referenda, 293; on the Quebec system, 325; on votes in Congress, 395 *et seq.;* contradictory statements of, 121; study of control, 335

Association of Motion Picture Producers and Distributors of America, 34

Asylums, increase under Prohibition, 132

Atlanta Family Welfare Society, 103

Atlantic City Welfare Bureau, 102

Australia, death rate in, 72 *et seq.*

Automobile, causes of casualties, 125; destroyer of provincialism, 10; driving, 20 *et seq.;* effect of, 9 *et seq.;* fatalities in Connecticut, 221; fatalities in North Carolina, 221; fatalities in United States, 221; increased number of licenses, 239; issuing of license, 21; substitute for saloon, 9 *et seq.*, 449; table of fatalities, 221

Aycock, Charles B., work in North Carolina, 206

Baker, Newton D., xxix

Baker, Col. William L., cited on demoralizing effect of Prohibition, 42

Baldwin, Stanley, favoring *laissez-faire*, 362

Baltimore, per cent of arrests in, 91

Baltimore Family Welfare Association, 103

Banks, change in clientele, 229; increased capital, 201

Barrow, Samuel J., cited on the growth of temperance, 315

Beer, alcohol content, 288, 290; average price of lager, 115; break in Prohibition wall, 422; comparison of production figures, 257; confiscation, 266; decline in consumption, 365; difficult to secure, 194; diseases relieved by, 58; effect on Federal legislation, 257; formula for estimating consumption, 264; hops (*see* separate item); in licensed taverns, 327; in Pennsylvania, 438; largest business, 420 *et seq.;* necessary, 58; 1926 consumption estimates, 246; non-intoxicating, 324; quantity smuggled,

Beer—*Continued*
266; regulation for, 326 *et seq.;* substitute for intoxicating liquors, 421; tax increased, 257; 2.75 per cent, 419 *et seq.;* use limited in 1917, 257; (*see also* Malt liquors)

Bellevue Hospital, 77

Benedict, Dr. Francis G., cited on American Climate, 375; on effects of alcohol, 139, 321, 446; research of, 446; tests of effects of alcohol, 26

"Bene Sociale," Dr. Jules Comby cited in, 67

Berkeley, Calif., per cent of drunkenness arrests, 108

Berwin, Ill., per cent of drunkenness arrests, 108

Best, Nolan R., cited on spirit of revolt, 411

"Better Prohibition Enforcement," James C. Waddell, 420

Bevan, Dr. A. D., cited on bootleg prescriptions, 255

Bibliography, 456

Bielaski, A. Bruce, Chief of "under cover" men, 192; cited on Prohibition, 192 *et seq.;* observation verified, 190; quoted, 184

Bigelow, Dr. George H., 79

Billings, Dr. Frank, therapeutic against use of alcohol, 62

Bingham, Walter Van Dyke, 35 *note*

Birmingham, Ala., youth in maternity homes, 43

Birth rate, in North Carolina, 215

Blumer, Dr. George, therapeutic against use of alcohol, 62

Board of Temperance and Social Service of the Methodist Episcopal Church, South, 430

Board of Temperance, Prohibition and Public Morals of the Methodist Episcopal Church, 112; cited on Wickersham, 427

Bogan, William J., drive against liquor dives, 44

Bogeny, Emil, 35, *note*

Booth, Evangeline, cited on young men drunkards, 53

Bootleggers, labels guarded against, 326 *et seq.;* on Rum Row, 189 *et seq.;* supply

Bootleggers—*Continued*
youth, 340; union with druggists, 194

Bootlegging, increase, 339, 349; linked with immorality, 340; means of eliminating, 454; methods for combating, 342; not rampant in Connecticut, 228; penalties, 158; prescriptions, 256; retail, 341

Borah, William E., cited on personnel, 452; on respect for law, 407 *et seq.;* queried Butler, 380

"Border Leak, The," Mrs. Willebrandt, 185

Border patrol, appropriations disregard, 169

Boston, Mass., arrests for drunken driving, 114; graphs of arrests, 373; situation in, 185; youth in maternity homes, 43

Boston Family Welfare Society, 102

Boston Provident Association, 102

Boundy, Dr. M., use of alcohol in hospitals, 67 *et seq.*

Bovill, Col. Margaret, cited, 42

"Brain from Ape to Man, The," Frederick Tilney, 88

Brandeis, Justice, dissenting opinion, 154 *et seq.*

Brandy, average price, 115

Breweries, advertising campaign, 316; Alley, 179; decrease in, 440; in Canada, 354

Bridgeport, Conn., industry in, 235

Bristow, cited on corruption, 161

British Columbia, combating the bootleggers in, 342; drink bill of, 337 *et seq.;* permits in, 328; Prohibition in, 293; taverns, 330

British Medical Association, 35, *note;* on word "drunk," 35

British Medical Research Council, cited on action of alcohol on organism, 62 *et seq.;* on the effects of alcohol, 139

Brockton Family Welfare Association, 102

Brooklyn Bureau of Charities, 102

Bruce, William C., bill for appropriations, 168; cited on importance of Presidential campaign, 297

Bruère, Martha Bensley, use of testimonies of settlement houses, 54

Buckner, Emory R., cited on cost of enforcement, 171; concerning illegal diversion of alcohol, 133 *et seq.;* effort to secure respect for law, 182; estimate of appropriations needed, 174; estimate of diversion of alcohol, 146, 252

Buffalo, N. Y., smuggling center, 188; youth in maternity homes, 43

Burglary, penalties, 158

Business, demoralization of, 229; reasons for abstinence, 318; sentiment of heads, 33; (*see also* Industry)

Butler, Nicholas Murray, champion of personal liberty, 442; cited on enforcement, 416 *et seq.;* on law, 437; on Prohibition substitute, 380

Butler, Gen. Smedley, no Federal assistance, 165

Byrn, Representative, sincere dry, 170

Cabarets, immorality, 43

California, dry in 1928 election, 301; grape production table, 269; grape shipments from, 252, 267; percentage of grape crop, 271; raisin production, 275; table grapes grown, 273 *et seq.;* wine-grape acreage, 251

Canada, amount received on whiskey exports, 188; consumption, 331 *et seq.;* contrasted with United States, 96; decrease in arrests during war, 351; dispensary system, 446; experience (dry view), 333 *et seq.;* experience (wet view), 323 *et seq.;* Government liquor stores, 326 *et seq.;* hours of sale, 327 *et seq.;* increase in consumption, 447; licenses, 328 *et seq.;* local option, 329; on liquor traffic, xxxviii; permits, 328; powerful operators abandon, 193; Prohibition adoption and abandonment, 292; sale by State method, 324; smuggling from, 187; stills seized, 358; study of liquor control, 335; system of liquor control, 323 *et seq.;* taverns, 330

Canadian Revenue Collector, report, 187

Cannon, Bishop James, Jr., cited on liquor president, 414; criticism of Wickersham, 430 *et seq.*

Carnegie Institution, 321, 334; Nutrition Laboratory in, 27, 35

Carter, James C., cited on conduct, 383; difficulties of enforcement, 150

Cases, Duncan Townsite Company *v.* Lane, 28; Ed Tumey against the State of Ohio, 155, 159; Rhode Island and New Jersey, 177; Samuel *v.* McCurdy, 28; Samuel W. Lambert *v.* Edward C. Yellowley, 59; thousands of petty police, 172

Census Bureau, 98, *note;* 119; data on mortality, 216; deaths by States, 81; Department of Vital Statistics, 220; report on criminality, 101

Central Association of Evanston Charities, 103

Central Pharmacy of Paris, 68

Century Club of Toronto, 357

Cereal-beverages, 262; average alcohol content, 266; decrease of production, 179; production, 249; supplies carried over, 262

Charitable institutions, less need for, 105

Charity Organization Society, of Buffalo, 102; of New York City, 102, 107

Charlotte Observer, The, Fox cited in, 201 *et seq.*

Cherrington, Ernest H., cited on intention of Eighteenth Amendment, 30; on practicality of prohibiting drinking, 29

Chicago, enlargement of dry forces, 168; situation in, 185

Chicago Crime Commission, 92

Children's Bureau of the United States Department of Labor, trend of alcoholism, 48 *et seq.*

Chloral, 142

Christian Sun, The, 200

Churches, for Prohibition, 392

Churchill, Winston, cited on drinking, 364 *et seq.*

Cider, 248

Cincinnati, youth in maternity homes, 43

Cirrhosis of the liver, mortality due to, 216 *et seq.*, 352, 374

Citizens, expectation of Federal enforcement, 175; withdrawal of support, 175

Civil Service, advocated for Prohibition agents, 162 *et seq.;* avoidance of political appointment through, 178; disqualifies old force, 164; protection against politicians through, 182 *et seq.*

Civil Service Commission, 163; agents within the jurisdiction of, 163; increased personnel, 167 *et seq.*

Claret, average price, 115

Clark, John Halley, Jr., study of history of Prohibition, 395 *et seq.*

Classes, propertied violators, 408

Clay, Henry, 400

Cleveland, per cent of arrests in, 91; youth in maternity homes, 43

Cleveland Associated Charities, 103

Cleveland Humane Society, 103

Clipsheet, cited on Wickersham, 427

Coast Guard, 191; appropriations for, 167; appropriations disregard, 169

Coderre, cited on "dives," 354

Colleges, amount of drinking in Princeton, 50; amount of drinking in University of Wisconsin, 50; drinking in, 50

Collier's Weekly, Bielaski cited in, 184; Mills cited in, 184

Colorado, dry in 1928 election, 301; State Prohibition laws, 307

Columbus, Ohio, per cent of drunkenness arrests, 109

Colvin, Mrs. D. Leigh, cited on modification, 427

Comby, Dr. Jules, survey of, 67

Commerce, Department of, xxxiv, xxxvii, 125; cited on cost of government, 180; on grape exports, 447

Commercial Tribune, interviews, 40

Commission of Motor Vehicles, cited on increase in arrests for drunken driving, 114; on increase of automobiles, 114

Committee of Fifty on Alcoholic Traffic, report on school textbooks, 309

Committee of Fourteen, study of prostitution, 92

Committee on Vice, cited on conditions in New York City, 413

Comstock, Ada L., xxix

Conference of Governors, 424

Conference on Unemployment, xxxv

Congress, amount voted to enforcement, 167; appropriation for propaganda on Eighteenth Amendment, 313; cited on enforcement functions, 452; on liquors for other than beverage purposes, 59; dry majority, 297, 302, 303; efforts to elect wets, 302; maximum fixed by, 323; power to define, 334, 453; representatives dry, 391; statute on prohibition of prescriptions, 60; table of wet votes, 396

Congressional Record, Fisher plan in, xxxiii, *note*

Connecticut, avoided alignment on Prohibition, 304; compared with North Carolina, 199; failure to ratify Eighteenth Amendment, 224, 303, 381; graph of death rates, 237; immigrants, 224; mortality, 217 *et seq.;* opposition of legal profession, 227; power of dissenting State, 381; public opinion in, 216; questionnaire to schools, 50; State of home brewers, 226; State Prohibition laws, 291; typical wet State, 199, 224; vagrancy decreased, 245; wet in 1928 election, 301; wine making in, 226

Connecticut Agricultural Experiment Station, on poisons, 81

Consciousness, part in nervous system, 14

Constitution, circumvention of inflexibility, 399 *et seq.;* method of change, 410; practical nullification of, 400; ratification of Amendment, 393 *et seq.;* "Red" denouncement of, 408; "white" denouncement of, 408

Consumption, among immigrants, 317, 322; comparative per capita figures, 286; compared with 1928, 255; comparison on quantity basis, 147; decrease

Consumption—*Continued*
in Europe, 316; distribution uneven, 317; drinking (*see* separate item); dry view, 256; graph of per capita in United Kingdom, 371; in Canada, 331 *et seq.*, 347; increase through advertising campaign, 316; in Great Britain, 361, 370 *et seq.;* lessened, 447; low in Quebec, 331 *et seq.;* 1918 not normal year for comparison, 256; no Federal restriction on, 258; of alcohol, 332 *et seq.;* per capita, 255; per capita tables, 285, 287; rise in beer, 338; rise in wine, 338; rum-runner, 333; steady decrease in United Kingdom, 369; table comparing United States and Quebec, 332; table for 1926, 248; table for United Kingdom, 367; total according to Mr. Fox, 255; tourist, 333; varying estimates for 1926, 246 *et seq.;* wet view, 247 *et seq.*

Convictions, for drunkenness in England and Wales, 361, 366

Convictions, increase in, 342; table for England and Wales, 366

Coolidge, Calvin, approval of appropriations, 167; signs bill for Civil Service regulation, 163

Co-operation, between units, 191; facilitating, 429; in government, xxvii; keynote, xxxvi; lack of, 180; needed between State and Federal authorities, 183; need of local, 175; organized voluntary, xxxiii; stressed by Supreme Court, 177

Cordeau, L. B., cited on bootlegging, 340

Coriat, Dr. Isador H., on sleep, 12

Corn whiskey, average price, 115

Corradini, R. E., bases of consumption estimates, 281 *et seq.;* calculations on increased stringency, 121; challenge of Fox estimates, 256 *et seq.;* cited on consumption, 448 *et seq.;* on toxicity of alcohol, 288; distilled spirits consumption figures, 285; estimate of alcohol consumption in 1926, 246; figures on consumption of absolute alcohol, 289; table of probable consumption of malt liquors, 265; wine consumption estimate, 277

Correspondence, on Prohibition, xxiii; with W. H. Taft, 457

Corruption, among Prohibition agents, 162; of officials, 152 *et seq.*

"Cost of Prohibition and Your Income Tax," 136, 144

Counterfeiting, devices to avoid, 325

Courts, congestion from liquor cases, 169; demoralization of all business, 172; need of Federal, 183; overburdened, 452; procedure, xxix; relieving congestion, 434; strengthening of padlock processes, 433

Cowden, Lieut.-Col. Annie J., 41; cited on increase of unwed mothers, 52

Crabtree, J. W., on high-school survey, 54

Craig, Attorney-General, cited on bootlegging, 339; on movement in North Carolina, 200

Crawford, Dr. E. L., criticism of Wickersham, 430 *et seq.*

Crime, co-operation in stamping out, xxviii; credited to enforcement failure, 304; defeat of, 425; increase, 90, 100; officials under indictment, 439; organized, 150; prevalence, xxiii; prevention considered, 5; prolific, 430; tables of convictions for North Carolina, 204 *et seq.;* transfer of activity, 104

Crowther, Samuel, investigation of, 148

Culture, resulting from use of alcohol, 8

Current History, Stevenson cited in, 381; Wheeler cited in, 164

Customs, 191

Customs Border Patrol, 188

Customs Bureau, rum-smuggling patrol, 168

Customs Service, appropriations disregard, 169

Cutting, William Bayard, 309

D'Albernon, Lord, research on effect of alcohol, 139

Daily Times. St. Cloud, Baker cited in, 42

Dana, Dr. Charles L., advocates of alcohol, 55; cited on use of beverage alcohol, 3; concession to, 9

Danbury, Conn., 236

Darrow, Clarence, 3; champion of personal liberty, 442; cited on law, 404 *et seq;* sources of illegal consumption of alcohol, 255; citing Dana, 3 *et seq.;* Muensterberg, 4; Starling, 4; ridiculed, 410

Davis, James E., 122

Davis, Robert M., plans submitted by, xxxii

Dawes, Charles G., co-operation, xxx

Dawes, William R., Chairman of Grade Crossings and Highway Intersections Committee, 125; cited in press, 125

Death rate, among colored race, 74, 93; between 1911-1917, 75; Canada and United States compared, 75 *et seq.;* Connecticut in Prohibition years, 234; decline in, 366; decrease in infant, 234; explanation of increase, 79; fall in Ontario, 354 *et seq.;* from alcoholism (dry view), 79 *et seq.;* from alcoholism (wet view), 72; from cirrhosis of the liver, 76, 84; from tuberculosis in Connecticut, 234; general age for reduction, 84 *et seq.;* graph for certain states, 83, 84; graph for Connecticut, 237; graph for England and Wales, 374; graph of alcoholic, 83; graph of comparative, 217; heightened by climate, 375; in Connecticut, 230 *et seq.;* increase since 1920, 73, 95; increase in nullification area, 81 *et seq.;* increasing from alcohol, 72; in North Carolina, 200; in Quebec, 352; in United States, 75; negligible in Canada, 75; not up to old level, 97; no visible increase, 70; of adult males, 86; of moderate drinkers, 141; of 1918-1920, 75; of 1928, 74; of 1929, 75; of white males, 93 *et seq.;* reason for increase, 73; records of decreased, 216; reduction deduced from table, 86 *et seq.;* reduction in, 231; table for alcoholism and cirrhosis of the liver, 220; table for Connecticut, 233; table for England and Wales, 367; table of comparative, 219;

Death rate—*Continued*
table of world, 73; today and pre-Prohibition, 84; tuberculosis decreased, 85; wet view, 72 *et seq.*

Delaware, death rate above average, 75; questionnaire to voters, 20; State Prohibition laws, 291; wet in 1928 election, 302

Delmar Mobile Research Fund, money given by, 80

Democracy, from two angles, 15

Democrats, conference of Dry Anti-Smith, 412

Denaturing plants, sixteen independent in New York, 185

Denmark, death rate in, 72 *et seq.*

Desroches, A., cited on arrests, 352

Detroit, enforcement army in, 190 *et seq.;* enlargement of dry forces, 168; port for contraband, 185 *et seq.;* smuggling centers, 188; table on liquor turnover, 189

Dexter, Philip, cited on nullification, 402

Dionysus, Greek god of wine, 8

Diphtheria, alcohol experiment, 67; alcoholic treatment table, 67

Discrimination, impossible according to Fisher, 23

Diseases, alcoholic lessened for nation as a whole, 97; kidney, 96; prevalence, xxiii; report of alcoholic, 93; use of alcoholic liquor, 58 *et seq.*

Distilled spirits, alcohol content, 288, 290; alcohol content since Prohibition, 284; bases of Corradini estimates, 282; chief source of supply, 284; consumption almost impossible to estimate, 281; consumption a real danger, 278; cutting processes, 286; estimated consumption for 1926, 248; hops used in, 260; laboratory tests, 282; 1926 consumption estimate, 246; moonshine, 254; prescriptions for, 256; probable consumption table, 285; production and consumption table varieties, 254; wet estimate of total consumption for 1926, 254; (*see also* individual names of)

Distilleries, advertising campaign, 316; decline in number, 211; in Canada, 354

Distilling, former center of industry, 212

Distribution, types of places, 189

District of Columbia, on average prices of alcoholic beverages, 115; Prohibition referendum, 294

Diversion, checking, 194; dry view, 190; fakes used in, 190; for industrial uses, 184; illegal alcohol, 184; into beverage channel, 185; of industrial alcohol overcome, 196; prevention of, 428; status of alcohol, 194 *et seq.*

Divorce, reasons for drunkenness, 106; table with drunkenness the cause, 106

Dixon, Prof. W. E., cited on effects of alcohol, 310; on inhibitions, 309

Dodge, cited on effect of alcohol on efficiency, 139; research of, 446

Doran, Dr. James M., cited on alcohol diversion, 146; on amounts of whiskey withdrawn, 69 *et seq.;* on diversion, 447; on intelligent co-operation, 177; on Mills' plan, xxxi; on "poison alcohol," 82; on Prohibition education, 313; Commissioner of Prohibition, 178; concerning illegal diversion of alcohol, 133 *et seq.;* estimate of alcohol diversion, 253; estimate of money needed, 168; necessity of placing responsibility, 176; need of organization and vigilance, 191; testimony, 194 *et seq.*

Drinking, after working hours, 21; effects of heavy, 139; effect of moderate, 36; escapes law, 22; "moderate" harmful, 140, 141; none in public, 327; relaxation, 21; reports on moderate, 139

Drinks, high price of, 114

Drug addicts, toll of enjoyment, 142

Druggists, union with bootleggers, 194

Drunken driving, arrests for, 123 *et seq.;* in Connecticut, 239 *et seq.;* increase, 112, 227

Drunkenness, arrests for, 349; decrease in habitual, 245; factor in dependency shown by table, 102; gauges of prevalence, 112; less in the streets, 436; lower than before Prohibition, 105; means of decreasing, 420; prevalence, xxiii; stages in, 321

"Dry (?) America," 293

Dry States, confirmed in their dryness, 395; rights of, 393

Dublin, Dr. Louis I., cited on connection between alcoholic consumption and tuberculosis, 98; on death rate, 74, 85; comments of, 96 *et seq.;* increase of degenerative diseases, 96

Duke, "Buck," work in North Carolina, 206

du Pont, Irenee, opposition to Eighteenth Amendment, 23

du Pont, Pierre S., 15; believer in Prohibition for employers, 18; champion of personal liberty, 442; cited on private Prohibition, 443 *et seq.;* correspondence with Fisher, 15 *et seq.;* democracy involved, 15; in minority, 33; no Prohibition, 20; personal payroll, 19; questionnaire, 19 *et seq.;* work against Prohibition, 299

du Pont de Nemours Co., E. I., 15; on Brewers' blacklist, 443; use of intoxicants prohibited by, 16 *et seq.*

DuPuy, William Atherton, cited on the "wet fringe," 305; on voting *vs.* drinking, 302

Durant, W. C., cited on attitude of big business leaders, 32; prize awarded, xxx; prize offered for effective plan, 32

Durant, competition, xxi

Durham, N. C., arrests, 202

East Orange, N. J., per cent of drunkenness arrests, 108

Economic aspect, in Great Britain, 362 *et seq.*

Economic Club of New York, 194

Economic gains, undisputed, 449; (*see also* Costs)

"Economics of Prohibition, The," Irving Fisher, 147

Edison, Thomas A., cited on enforcement, 435

Editor and Publisher, 275

Edsall, David L., therapeutic against use of alcohol, 62

Education for Temperance, by anti-Prohibitionists, 312; by temperance organizations, 322; dry view, 313, 322; early and modern textbooks, 315; pamphlets on Prohibition, 313; revolution in North Carolina, 206; scientific experiments, 311 *et seq.;* State requirements, 314; temperance program for schools, 317 *et seq.;* textbook for temperance, 308; total abstinence taught, 318, 321; unscientific school textbooks, 308; wet view, 308, 313

Edwards, Edward I., cited on killings by Federal agents, 153

Efficiency, effect of alcohol on, 130; impaired, 137; increase observable, 137; laboratory tests not accurate, 130 *et seq.*

Eighteenth Amendment, abolition of saloon, 394; acquiescence at polls, 397; amendment to, 323; associations opposing, 312; binding force of, 176 *et seq.;* change practical effect, 399; comparison with Blue Sunday legislature, 399; efforts to nullify, 181; enforcement (*see* separate item); explicit exemption of home, 454; immediate relief from, 423 *et seq.;* intention of, 30; major political issue, 299; means of functioning, 78; nullification in sections, 400; nullification of intent, 399; obligation of Federal Government under, 176; only small per cent of crime due to, 100; partial repeal, 382 *et seq.;* plan for effective, xxx; present guaranty, 382; prohibiting "manufacture for sale," 451 *et seq.;* provisions of, 258; ratification, 292, 303; reaction temporary, 198; Smith's recommendation, 380; statements prophetic of, 383; supporters' duty, 8; Taft's views on, 457; unrepealable, 398; validity of, 381; vigorous enforcement by Republicans, 385; vindication of, 178

"Eighteenth Amendment not a Remedy for the Drink Evil," Pierre S. du Pont, 22

Election, presidential of 1928, Taft on, 457

Eliot, Charles W., 309

Emerson, Dr. Haven, cited on death rate, 83, 84; on hygienic benefit, 105

Employment, dry view, 135; wet view, 129 *et seq.*

Energy, effect of focusing, 11

Enforcement, aid to, 420; apportionment of responsibility, 426 *et seq.,* 433; appropriations for, 166 *et seq.;* bettered, 447; by willingness, 418 *et seq.;* centered, 178; Civil Service basis, 162 *et seq.;* corruption of forces, 90 *et seq.;* crime blamed on failure, 304; dry view, 424 *et seq.;* efficiency in law, 184; era of political Federal, 182; Federal machinery, 421; growing resentment, 226; handicaps to, 171; improvement in Federal, 180; improvement in State and local, 180; increase in conviction, 179; indictment of Government, 161; inequality of, 152; insincerity of local, 152; laxity, 451, 455; machinery fails, 150; machinery of North Carolina, 215; matter of public opinion, 419; money spent in North Carolina, 203; most important factor of, 181; need of local co-operation for, 175; "passing-the-buck," 180, 429; pathway to, 177; people killed in, 156 *et seq.;* position of local authorities, 166; present conditions, 450; private in industry, 442 *et seq.;* proposal to divide, 431; reason for demoralization of, 171; separation from politics, 177, 193; shared by Federal and local authorities, 173; tactics of opposers to, 158; the solution, 455; transfer of agencies, 433; under non-political rules, 162; *vs.* Bill of Rights, 417; view held by Butler, 416 *et seq.;* weak Federal, 439; wet view, 416 *et seq.;* with 2.75 per cent beer, 419 *et seq.*

"Enforcing Prohibition by Murder," Willebrandt, 150

England, death rate in, 72 *et seq.*

Ethyl alcohol, 142

Euler, William G., cited on smuggling, 186

Evening News, Detroit, on Detroit as distributing center, 188 *et seq.*

Experiments, animal feeding, 80

Export, whiskey to United States, 188

"Fallacies in Governor Smith's Proposal," Dr. E. Y. Mullins, 387

Family Society of Philadelphia, 102

Federal Bureau of Labor Statistics, cited on income, 117

Federal Children's Bureau, cited on delinquent children, 49; on percent of intemperate fathers, 49; percentage of delinquency due to liquor, 52

Federal Council of the Churches of Christ in America, 256; for Prohibition, 392; reports, 38, 197; loitering of cases, 228

Federal Government, attitude of, 166; brunt of enforcement, 426; courts of, 438; duty of enforcement, xxviii; efforts to close Detroit, 190 *et seq.;* enlargement of dry forces, 168; intervention, 430; laxness in securing local co-operation, 165; obligation, 176; responsibility, 175 *et seq.*

Federal law, cited on alcoholic prescriptions, 69; on saloons, 39; violations of, 176

Feldman, Herman, 123; cited on arrests of drunken drivers, 125; on estimate, 136; on Prohibition and the automobile trade, 33; on substitutes for saloon, 34; citing Hoover, 138; testimony of employers, 137; concerning illegal diversion of alcohol, 134

Felony, per cent due to Eighteenth Amendment, 100

Fifth Amendment, 408

Fifteenth Amendment, 400

Fines, revenue from, 145

Finesinger, biological experiments, 310, 319

Fingerprint Bureau of the City Magistrates' Court, 37, 47

Fishbein, Dr. Morris, on effects of alcohol, 309

Fisher, Irving, xxxii; cited on increased sales, 336; correspondence, 196; correspondence with Bielaski, 192; correspondence with du Pont, 15 *et seq.,* 22; correspondence with Taft, 457;

Fisher—*Continued*
data from Stayton, 112; debate with Franklin, 409 *et seq.;* declaration of contents, xxiii *et seq.;* estimate of gain, 142; investigation of arrests for intoxication, 122; on ratio of police stringency, 122; on wartime Prohibition, 37; questionnaire to police, 121 *et seq.;* reputation of du Pont, 26; request for school questionnaire, 50; spirit of fair and impartial inquiry, xxiv

Fisher, Judge, cited on drunken driving, 356

Fisk, Dr. Eugene L., cited on alcohol and longevity, 320

Florida, drunkenness arrests, 109; dry in 1928 election, 301; patrol of waters, 159

Food Administration, U. S., xxxiv

Food Conservation Act, 234; curtailment under, 225

Ford, Henry, intoxicants no place, 17; no chance of modification, 31

Foreigners, sobriety of, 118

Foreign trade, effect of Prohibition on, 32

Fort, Franklin, cited on manufacture, 453; on reasons for Prohibition, 444 *et seq.*

Forum, 319; debate cited in, 409

Fourteenth Amendment, 400, 408

Fox, Hugh F., 16; annual consumption of alcohol for 1926, 247; arbitrary statement on alcohol content of home brew, 262; basis of estimate on malt liquors, 249; cited on conditions in North Carolina, 201 *et seq.;* on consumption, 448 *et seq.;* estimate of alcohol consumption in 1926, 246; figures on hops used for beer, 260 *et seq.;* method of estimating wine consumption, 267 *et seq.;* post-Prohibition increase of alcohol used, 255; raisin-grape crop disregarded in estimates, 269, 275; wine consumption estimate, 250 *et seq.*

France, decrease in use of wines, 316

Franklin, Fabian, 92; cited on "crime wave," 100; on decrease of drunkenness, 312; on enforcement, 418 *et seq.;* on

Franklin—*Continued*
  nullification, 402 *et seq.;* on repeal, 423; debate with Fisher, 409 *et seq.*

Franklin Automobile Co., 33

Fraud, offenses fallen off, 101

Fruits, increased production, 275

Fugitive Slave Law, 403

Gabrielson, studies of harmfulness of alcohol, 286

Gary, Elbert H., prominent champion of Prohibition, 92

Gaston County, improvement, 210; law for, 211; wealth of, 211 *et seq.*

Gastonia, wealth of, 212

Gebhart, John C., cited on consumption, 448 *et seq.;* estimate of alcohol consumption in 1926, 246

General Motors Corp., 15; on Brewers' blacklist, 443; specialization in, 450

George III, King, 23

George, H. W., testing for toxicity, 80 *et seq.*

Georgia, drunkenness arrests in, 109; dry in 1928 election, 301; saloons abolished, 291; State Prohibition laws, 307

Germany, decrease of liquor consumption, 316

Gilbert, Joseph E., testimony of, 143

Gin, average price, 115; decline in consumption, 365

Gin (synthetic), average price, 115

Gore, Edward E., youth and girls in crime, 92

Gore, John K., statement on mortality, 72; table on world death rates, 86

Gore, Thomas P., cited on Republican policy, 385

Goris, Dr. A. E., cited on rum for therapeutic purpose, 68

Government, a law-breaker, 155; co-operation an essential to, xxvii; co-operation of State and Federal, xxxix; failure of, 196; history of bad, 23; knowledge of officials, 384; principle of good, 23; (*see also* Federal Government)

Government stores, dispensary system, 348; in Canada, 326 *et seq.*

Graft, system in Connecticut, 228

"Grand Jury Philadelphia," report, 165

Grapes, California acreage, 251; classes of, 269; Concord, 271; decrease in growing of wine, 273; dried, 267; government production figures, 267; increased production of table, 273 *et seq.;* juice production, 271; kinds grown, 251; raisin (*see* Raisins); States producing, 271; table, 273; unfermented juice sales, 272; varieties, 267; wine, 271 *et seq.*

Graphs, list of, xix

Graves, Louis, survey of North Carolina, 208

Great Britain, comparable with United States, 370, 447; comparative mortality rate, 374 *et seq.;* decrease of liquor consumption, 316; downward trend, 369; dry view of liquor situation, 370 *et seq.;* economic aspect, 362 *et seq.;* expenditure for drink, 363; homogeneity, 375; Labor Party divided, 362; Liberal Party on issue, 362; Prohibition in, 361; wet view on liquor situation, 364 *et seq.*

Grubb, William I., xxix

Habits, danger of heavy drinking, 13; hazarding new, 13 *et seq.*

Hadley, Arthur T., quoted, 418 *et seq.*

Haines, on permit system, 165

Hamilton, James A., 35 *note*

Hamilton Bureau of Social Work, 103

Hampton, L. E., cited on source of bootleg, xxxi

Harding, Warren G., cited by Smith, 385; on constitutional Prohibition, 385; type-committee, xxxv

Harper's Magazine, Lippmann cited in, 390

Harris, William J., amendment proposed by, 168 *et seq.*

Harris Amendment, appropriations under, 168 *et seq.;* restrictions of use and appropriations, 169

Hartford, Conn., 236; arrests for drunken driving, 114; opposition of insurance companies in, 226

Hartford Charity Organization Society, 102

Haverhill Family Welfare Society, 102

Hawaii, on average prices of alcoholic beverages, 115

Health, conditions in Quebec, 352

Heart diseases, on rise, 96

Henry, G. S., cited on reckless driving, 357

Heroin, 142

Hetherington, J. E., cited on reckless driving, 357

Hibbard, Prof. B. H., cited on use of raisins, 276

High School, decrease in drinking, 54; drink no problem in, 50

Hill, Dr. Alex., cited on exchange of habits, 13; on process of invigoration, 11 *et seq.*

Hobbs, S. H., Jr., cited on Gaston County, 210

Holland, Mich., per cent of drunkenness arrests, 108

Holmes, Oliver W., cited on lawlessness, 417; dissenting, 155

Home, improper discipline, 40; influence of environment, 130; less brutality in, 105; less intemperance in, 48 *et seq.*

Home-brew, alcohol content, 262; average price, 115; consumption, 248; hops used for, 260

Hoover, Herbert, administrative policy, xxi, xxvii; attitude cited by Butler, 416; cited on efficiency from Prohibition, 138; on modification, 406; on noble experiment, 386; on notions of law held, 100; on Prohibition, xxi; on system of jurisprudence, xxviii; comment on recent killings, 157; definition of Prohibition, xxxvi *et seq.;* efforts, xxviii *et seq.;* inaugural address, xxvii *et seq.*, 424 *et seq.;* Law Enforcement Commission, 54, 407, 424, 433; method for food supply, xxxiv; plan in operation, 452; policy, xxxiv; speech at St. Louis, xxxvii

Hopewell, cited on granting of licenses, 357

Hops, comparative estimates, 261; Corradini figures on use for beer, 261; crop of 1925, 249; home-brew use of, 260; medicinal extracts of, 259, 263; quantity used for yeast, 259, 263; percentage used for beer, 258; production, 250; table of imports and exports, 250; uses other than brewing, 258; waste, 263

Horst, Clemens, E., cited on hops used for beer, 263, 274

Hospitals, admission of patients in State, 222; "alcoholic discharges," 118; cases of alcoholic psychoses, 98; in Connecticut, 230; in London, 67; in Paris, 67 *et seq.;* records for insane, 95; specifically for alcoholics, 126; table of admission in Connecticut, 242; table of admission of inebriates, 128; table of admissions, 223; table of patients for mental disease, 98; use of alcohol in, 66 *et seq.*

House Judiciary Committee, hearing before, 60 *et seq.*

Howard, Sir Esme, co-operation, xxiv, xxx

Hunt, Edward Eyre, xxxvii

Hunt, Dr. Reid, cited on poisonous liquors, 82; testing for toxicity, 80 *et seq.*

Idaho, dry in 1928 election, 301; on average prices of alcoholic beverages, 115; State Prohibition laws, 307

Illinois, at polls, 386; on average prices of alcoholic beverages, 115; referendum, 306, 423; State Prohibition laws, 291; value of crops, 214; wealth of, 213

Illustrations, list of, xix

Immigration, drink among adults, 317, 322

Income, budget in Great Britain, 364; how spent, 142 *et seq.;* in 1926, 116; on majority, 447 *et seq.;* pleasurable imbibing a factor in, 134; uses put to, 117

Indiana, dry in 1928 election, 301; on average prices of alcoholic beverages, 115; State Prohibition laws, 291, 307; value of crops, 214

Indianapolis Family Welfare Society, 103

India, Hindu god of wine, 8

Industrial alcohol, increased production of, 253

Industrial Alcohol Manufacturers' Association, 253

Industry, attitude of leaders, 15 *et seq.;* compare liquor with other, 189; development in textile, 210; dry view, 135; dwindling of hop-growing, 447; enforces private Prohibition, 442; fostering temperance, 362; many for Prohibition, 31; parasite of, 144; records of purchases, 117; small scale of illicit, 197; specialization in, 449; use of intoxicants in, 15 *et seq.;* wet view held by, 15; wet view of, 129 *et seq.*

Inhibition, contrasted with paralysis, 12; defined, 6; from alcohol, 5 *et seq.;* important neural attribute, 89; without danger, 6

"Inside of Prohibition, The," Mabel Walker Willebrandt, 150

Interdicts, dead letter, 335; preventing purchase, 328

Internal Revenue, Department of, 282; annual reports, 203; morale high, 161; now subject to politics, 161; transferred, 178

International Bureau Against Alcoholism, 288

International Society of Christian Endeavor, for Prohibition, 393

Interstate shipments, 317; of intoxicating beverages a crime, 324

Intoxicant, drastic definition of, 421 *et seq.;* scarcity, 116

Intoxication (*see* Drunkenness)

Iowa, dry in 1928 election, 301; State Prohibition laws, 291, 307; value of crops, 214

Ireland, pre-war level of production, 368

Jackson, Andrew, creed of, 409

Jail commitments, graph for Connecticut, 241; table of Connecticut, 243

Jail inmates, graph for Connecticut, 241

Jails, increase under Prohibition, 132

James, William, 8

Jefferson, Thomas, creed of, 409; foresight, 384

Jennings, Dr. Herbert S., cited on alcohol effects on animals, 319; experiments on biological effects of alcohol, 310

Jersey City, youth in maternity homes, 43

Jewish Social Service Association (N. Y. C.), 102

Johns Hopkins University, 310

Jones, Wesley L., xxxiii, *note*

Jones Law, 258, 431

Journal, Winston-Salem, on Prohibition in North Carolina, 200; police court session in, 215 *et seq.*

Journal of American Medical Association, 57, 126; questionnaire to physicians, 57

Judiciary Subcommittee of the United States Senate, 171

Justice, Department of, xxxix; appropriations disregard, 169; co-operation with Prohibition unit, xi; estimate of cost of Prohibition, 146; lack of correlation with, 172; report, 193

Juvenile Court, value of records, 39

Juvenile delinquency, increase in, 54; liquor involved, 41; rates of, 49; unwed mothers, 41 *et seq.*

Kansas, a dry State, 199; drunkenness arrests in, 109; dry in 1928 election, 301; State Prohibition laws, 291, 307; value of crops, 214

Kansas City, per cent of arrests in, 91

Keeley Cures, 123; as index of drunkenness, 128

Keeley Institute, decrease in size, 112 *et seq.;* increase in number of patients, 113; number operating, 126; twice as large as 1919, 113

Keen, Dr. W. W., interview with Volstead, 162

Kentucky, amount of whiskey in, 438; death rate above average, 76; drunkenness arrests in, 109; on average prices of alcoholic beverages, 115

Kenyon, William S., xxix

Kessler, Camillus, 16

Kinder, C. M., testimony, 189

King, Willford I., cited on income, 116

Kingsley, cited on dead line, 87 *et seq.*

Kirchwey, Dr. George W., cited on crime wave, 100

Knoles, Fred A., 122

Korsakoff, syndrome of, 64

Labor, increased efficiency, 129; means of increasing productivity, 129; Prohibition's effect on, xli; reasons for abstinence, 318

Labor Bureau, Inc., of New York, standard budget of, 116

Ladies' Home Journal, The, 148

La Follette, Robert M., Jr., 400

LaGuardia, Congressman, on appropriations, 170

Lambert, Dr. Alexander, alcohol experiments, 65 *et seq.;* alcohol no necessity, 63 *et seq.;* opposition to brother, 63 *et seq.*

Lambert, Dr. Samuel W., appeal of, 55; cited on necessity of alcohol, 63

Larceny, offenses fallen off, 101

Laws, administration of Federal, xxix; appeal for observance, xlii; concurrent State, xxviii; deficiencies in observance, xli; disregard by parents, 40 *et seq.;* disregard for, 226; enforcement contrary to public sentiment, 228; evils exaggerated, 434 *et seq.;* existing State enforcement, xxxix; expression of standard of living, 173; Federal (*see* Federal law); field for shyster lawyer, 228; flouters of, 97; general attitude of American people, 425 *et seq.;* growing disregard of, 23 *et seq.*, 90, 172, 455; historic example of disrespect for, 404 *et seq.;* Hoover enforcement investigation, 167; importance of obedience to, 181; in Connecticut, 438; increased violations, 100, 204; increasing number of Federal, 172; judges' hostility toward, 227; obedience, 408 *et seq.;* observance unsatisfactory, 32, 344; only minority fail in obedience, 182; principle of observance, xxviii; profitable violation of anti-drug, 104; profitable violations of anti-liquor, 104; resistance to, 386 *et seq.;* respect engendered in children, 25; respect for, xxvii, 384; respect undermined, 32; responsibility for effection, 176; State against drinking, 29; State for 1919, 380 *et seq.;* sumptuary, 394 *et seq.;* those guilty under, 22; violation in North Carolina, 215; voluntary effort for observance, xxxiv; workman's compensation and employers' liability, 443

"Law and Its Origin," James C. Carter, 383

Law Enforcement Commission, 407; recommendations of, 433 *et seq.*

"Law Observance: Shall the People of the United States Uphold the Constitution?" ed. W. C. Durant, *notes on,* xxxii, xxxiii

Legislature, of Connecticut on daylight saving time, 25; of Delaware on daylight saving time, 25

Lemann, Monte M., xxix

Lever Food Bill, 257

Levitt, Albert, cited by S. H. White, 152; on enforcement, 152; on expenditure, 180; on success of enforcement, 180 *et seq.*

Lexington Family Welfare Society, 103

Licenses, increase in Canada, 328 *et seq.;* revocation, 330

Liege, arrests per 10,000 population, 372; graph of arrests, 373

Life Extension Institute, 320

Lincoln, Abraham, cited on nullification, 418; creed of, 409; quoted, 385

Lippmann, Walter, cited on practicality of repeal, 398 *et seq.;* repeal, 390 *et seq.*

Liquor, commercialized, 175; quality of, 94 *et seq.;* relative poison in, 81; smaller quantity consumed, 95; tests of contraband, 326; warfare against, 197

Liquor Control Act, convictions under, 341; increased violations, 342

Liquor Control Board, sales, 338

Liquor ring, collapse of, 161

Liquor traffic, cost, 133; depredation, 430; economic waste, 132 *et seq.;* gains from supplanting, 142; in Canada, 345 *et seq.;* in Connecticut, 235; not heinous offense, 184; political operation of, 446 *et seq.;* Prohibition best measure for, 451

Literature, alcohol no prerequisite for enjoyment, 7

Literary Digest, on conditions in North Carolina, 200

Little Rock, Ark., per cent of drunkenness arrests in, 109

Living, speed of modern, 88 *et seq.*

Local option, 316; by vote, 329; Liberal Party favors, 362

Loesch, Frank J., xxix

London, arrests per 10,000 population, 372; graph of arrests, 373

Los Angeles, graphs of arrests, 373

Louisiana, drunkenness arrests in, 109; not definitely wet, 305; wet in 1928 election, 302

Louisville, Kentucky, youth in maternity homes, 43

Low, Seth, 309

Lowman, Seymour, cited on necessity of co-operation, 170; on promiscuous use of firearms, 157

McBain, Howard Lee, cited on Smith's proposal, 333

McCampbell, Dr. John, data given by, 223

McClure's Magazine, 9

McCormick, Paul J., xxix

McDougall, cited on effect of alcohol on efficiency, 139

McDowell, experiments on alcohol effects on posterity, 311

Mackintosh, Kenneth R., xxix

McLean, Mrs. Edward, example set by, xxix

Mail robbery, penalties, 158

Maine, drunkenness arrests in, 109; dry, 199; State Prohibition laws, 291, 307; swing toward wets, 301

Malt, production of extract, 248

Malt liquors, average alcohol content, 266; beer (*see* separate item); consumption for 1926 based on hop crop, 249; dry estimate of probable consumption, 265; estimated consumption for 1926, 248; "home-brew" (*see* separate item); no substantial medicinal value, 60

Manchester, England, 236

Manitoba, drink bill, 338; permits in, 328; Prohibition in, 293

Manning, Bishop, "an old man's view" of Prohibition, 409; cited on enforcement, 434 *et seq.;* on Prohibition, 406 *et seq.*

Manslaughter, per cent of arrests in England, 91

Manufacture, machinery for illicit, 73

Marsh, H. W., 162

Maryland, alcoholism death rate, 95; attitude, 430; a wet state, 304 *et seq.;* death rate above average, 75; Democratic platform of, 423; high death rate from alcoholism in, 84; on average prices of alcoholic beverages, 115; public opinion in, 216; ratification of Eighteenth Amendment, 303; State codes, xxxix; wet governor of, 305; wet in 1928 election, 302

Massachusetts, death rate above average, 75; Prohibition referendum, 294; State Prohibition laws, 291; wet in 1928 election, 301

Massachusetts Society for Prevention of Cruelty to Children, 48, 102

Mass existence, causes for changes in, 9 *et seq.;* mobility of, 35; need of miraculous psychologic transformation, 79; Prohibition aid to, 436; transformed, 10

Maternity homes, inmates, 43

Maxim, Hudson, cited on police, 90

Mayo, Dr. Charles H., cited on therapeutic against use of alcohol, 62

Medical Association of Greater City of New York, 63

Medical Research Council, 321

Medical Research Council of Great Britain, harmless and temperate consumption possible, 135

Mellanby, cited on effect of alcohol on efficiency, 139

Mellon, Andrew W., cited on cases in courts, 169; head of all the dry enforcement bodies, 168

Meriden, Conn., 236

Metropolitan Life Insurance Company, statistical bulletin, 74; Statistical Bureau, 98, 124

Michigan, alcoholism death rate, 95; grape crop, 271; on average prices of alcoholic beverages, 115; State Prohibition laws, 291, 307; value of crops, 214; wet in 1928 election, 302

Miles, Dr. Walter R., cited on alcohol and efficiency, 139, 321; on effect of alcohol in laboratory, 135 *et seq.;* on toxic action of alcohol, 334; research of, 446

Milk, larger consumption, 105

Milliet, studies on harmfulness of alcohol, 286

Mills, Major Chester P., xxx; cited by Wright, 196; in Collier's Weekly, 184; on clubs, 184; on party spoils enforcement, 170 *et seq.;* plan, xxxi *et seq.;* result of enforcement, 192

Milwaukee, Smith's speech at, 379

Milwaukee Family Welfare Association, 103

Minneapolis Family Welfare Association, 103

Minnesota, dry in 1928 election, 301; on average prices of alcoholic beverages, 115

Minority opinion, belligerent, 182

Miquelon, base for smugglers, 193

Mississippi, dry in 1928 election, 301; saloons abolished, 291; State Prohibition laws, 307

Missouri, a wet State, 305; wet in 1928 election, 302

Mitchell, cited on office holding, 452 *et seq.*

Moderation League, 108, 212, 416; ascribes Prohibition wave of the war, 292 *et seq.;* chart of arrests, 38 *et seq.;* cited on result of Prohibition, 291; on wet prospects, 295; survey, 110 *et seq.*

Modification, dry view of, 406 *et seq.;* interpretation, 429; of enforcement laws, 410; possible, 437; wet view of, 398 *et seq.*

Money, commodities purchased with, 142; costs without Prohibition, 145; decline in amount spent, 365; diversion into legitimate channels, 235; for enforcement in North Carolina, 203; gained through Prohibition, 129 *et seq.;* gains not exactly measurable, 130 *et seq.;* losses from Prohibition, 134; loss from diverted alcohol, 133 *et seq.;* re-routing of, 148; spent in Great Britain, 363 *et seq.;* wasted, 132

Montana, at polls, 386; on average prices of alcoholic beverages, 115; Prohibition referendum, 294; repeal of enactment, 307; State codes, xxxix; wet in 1928 election, 302

Montreal, arrests in, 352; bottling and blending, 346; complaints from, 345 *et seq.;* number of saloons and taverns, 329; permits granted in, 335; warehouses in, 325

Moonshine, 197; cessation in North Carolina demanded, 202

Morgantown Hospital, N. C., 222

Motion Pictures, means of relief, 9 *et seq.;* substitute for saloon, 449

Motor age, cause of crime, 52

Motor Vehicles, Department of, 240

Muensterberg, Hugo, 3; cited on beneficial effects of moderate drinking, 4 *et seq.;* concession to, 9; means of securing relaxation, 9

Mullan-Gage State Law Enforcement Code, opposition to, 412

Mullins, Dr. E. Y., cited on Smith's proposal, 387

Murder, per cent of arrests in England, 91

Murphy, Dr. John B., therapeutic against use of alcohol, 62

Music, alcohol no prerequisite for enjoyment, 7

National Bureau of Economic Research, xxxv, xxxvii

National Civil Service Reform League, 162

National Commission on Law Observance and Enforcement, The, 452

National Crime Commission, on number of criminals captured, 91; recent formation, 92

National Education Association, 318, 321; on high-school survey, 54

National Medical Directory, 57

National Prohibition, 201 *et seq.;* ability to survive, 370; a partisan issue, 299; at its worst, 114; beginning of, 38; breach in wall, 423; change in law needed, 20; codification of statutes, 433; comparison with Canadian, 343; condemnation of innocent with guilty, 22; Connecticut not desirous of, 225; crimes of agents, xl; dates, 231; during war-time, 37; "ebbing wave" theory, 296; effect on dry States, 199; enforcement (*see* separate item); evolution of North Carolina movement, 209; final accomplishment, 292; gangland wants, 387; havoc to farmer false, 214; hysteria credited with enactment, 292; improvement as result, 436; improvement in the economic condition of homes, 86; improvement since 1916, 37; increase in drinking among high-school students, 54; increase in drunken drivers under, 107; issue in 1928 election, 291, 299; lawlessness under, 20; less drinking by youth under, 52; lower death rate during, 238; manufacturers' stand on, 15, 18, 138; measure of expediency, 451; modification (*see* separate item); moral and economic gains under, 371 *et seq.;* need of honest officials, 78; new line of endeavor for underworld under, 387; nullification (*see* separate item); opportune for Connecticut, 236; policy, 30; private preceding, 443; pronounced reduction in mortality under, 87; prosperity under, 148; public opinion with, 391, 444; public *vs* private policy, 27; reaction expected by wets, 303; real danger under, 278; reapers of benefits from, 143 *et seq.;* reasons for prominence, 362; referenda frown on, 386; reorganization act, 177; repeal (*see* separate item); root of controversy, xxvii; satisfaction of voters with, 395; scarcity of intoxicants, 116; Smith's proposal, 379 *et seq.;* so-called, 306; State (*see* separate item); State referenda on, 293 *et seq.;* test shifted, 197; under Civil Service, 48; untold economic value, 148; victory in 1928 election, 300; vote-getting strength, 302; war-time, 238; "waves," 306; way prepared for, 198; wet State under, 224; working change in public sentiment, 179; working people's attitude, 20, 25

National Retail Dry Goods Association, 142

"National Survey of Conditions Under Prohibition—1928," 108

Nation-wide organization of physicians, proposed, 56

Nebraska, death rate above average, 75; dry in 1928 election, 301; State Prohibition laws, 291, 307; value of crops, 214

Negro Suffrage Amendment, 403

Nerves, method of relaxation, 12 *et seq.*

Netherlands, death rate in, 72 *et seq.*

Nevada, at polls, 386; dry in 1928 election, 301; referendum, 306; State codes, xxxix; temperance education requirements, 314

Newark Children's Aid Society, 102

Newark Social Service Bureau, 102

New Britain, Conn., 236

New Brunswick, permits in, 328; sales by vendors, 338; taverns in, 330

Newburgh Associated Charities, 102

Newburyport Common Welfare Service, 102

New England States, on average prices of alcoholic beverages, 115

New Hampshire, State Prohibition laws, 291, 307

New Haven, Conn., 236; arrests for drunken driving in, 114

New Haven Organized Charity Ass'n., 102

New Jersey, high death rate from alcoholism in, 84; increase of intoxicated drivers, 125; not definitely wet, 305; wet in 1928 election, 302

New Mexico, dry in 1928 election, 301; State Prohibition laws, 307

Newport Family Welfare Society, 102

Newton, R. Clarke, cited on opium and alcohol, 12

New York, alcoholism death rate, 95; arrests compared, 202; at polls, 386; attitude, 430; a wet State, 304, 305; death rate above average, 76; denaturing plants in, 185; enlargement of dry forces, 168; grape crop, 271; high death rate from alcoholism in, 84; most temperate, 107; popularity, 45; public opinion in, 216; referendum, 306, 423; refusal to co-operate, 170; repeal of enactment, 307; size, 46; State Codes, xxxix; State Prohibition laws, 291; sum needed for, 174; value of crops, 214; wealth of, 213; wet governor of, 305; wet in 1928 election, 301; youth in maternity homes, 43

New York City, arrests per 10,000 population, 372; chart of arrests, 37; comparative sobriety acknowledged, 108, 117; competitive condition, 118; deaths from alcoholism in, 77; floating population, 110; growing abstinence a necessity in, 372; increasing sobriety, 45; provision of Education Law, 308; reason for temperance, 110, 118; strictness of her police, 109; subject to twentieth century influences, 46; traffic problem, 108; wet-test in United States, 37

New York Committee of Fourteen, "eyesight," 51; report for 1927, 43, 51

New York Laboratory, industrial alcohol, 284; results of ten years' tests, 284; tests made by, 282

New York Life Insurance Company, 319

New York State Woman's Christian Temperance Union, 427

New Zealand, death rate in, 72 *et seq.*

Newspapers, co-operation of, xlii *et seq.;* effect of an unfriendly attitude, 160; opposition of Connecticut, 224; deductions from, 116

Niesz, Homer E., 35, *note*

Night Clubs, cause of moral decline, 92; immorality, 43; part in prostitution, 51; reduction, 343 *et seq.*

Night Raiding Patrol, work of, 343

Norris, Dr. Charles, "actually no Prohibition," 78; concerning poisonings, 77; concerning remedies, 78

North Carolina, before Eighteenth Amendment, 199; compared with Connecticut, 199; drunkenness arrests in, 109; dry in 1928 election, 301; fifth in water-power development, 213 *et seq.;* highest birth rate, 215; mortality in, 216 *et seq.;* new schools of, 213; no Prohibition in, 208; saloons abolished, 291; State Prohibition in, 200 *et seq.*, 291, 307; table of arrests by agents, 207; table of arrests for intoxication, 202; typically dry, 198; value of crops, 214

North Carolina, University of, surveys conducted by, 210

North Dakota, on average prices of alcoholic beverages, 115

Norway, death rate in, 72 *et seq.*

"Notes of a Prohibition Agent," Homer Turner, 173

"Notes on Economic and Social Surveys," Taylor Society Bulletin, xxxvii

Noyes, Dr., 319; biological experiments, 310

Nullification, 455; bootleggers for, 409; defined, 399; dry view, 406 *et seq.;* instrument of a holy crusade, 405; of intent of Eighteenth Amendment, 399; pathway between enforcement

Nullification—*Continued*
  and repeal, 403; sought, 422 *et seq.*, 437; statutory obsolescence, 416; violators for, 409; wet view, 398 *et seq.*

Nystrom, Dr. Paul H., cited on savings from Prohibition, 142

Observer, London, Wilson cited in, 363

Offenders, decrease in first, 37 *et seq.;* decreasing before Prohibition, 38

Officials, bribing of, 90

Ohio, dry in 1928 election, 301; free system, 159 *et seq.;* grape crop, 271; on average prices of alcoholic beverages, 115; value of crops, 214

Ohio League, 160

Ohio Prohibition Act, 155

Oklahoma, dry in 1928 election, 301; on average prices of alcoholic beverage, 115; saloons abolished, 291; State Prohibition laws, 307

Olbrecht, studies of harmfulness of alcohol, 286

Ontario, control in theory, 340; convictions under Temperance Act, 341; death rate in, 72 *et seq.;* dispensary system, 348 *et seq.;* dry vote in, 355; experience in, 354 *et seq.;* increase in system, 339; permits in, 328; Prohibition in, 293; taverns, 330

Ontario Motor League, meeting of, 357

Opium, 142; compared with alcohol, 64

Opposition, on plea of personal liberty, 24

Oregon, dry in 1928 election, 301; State Prohibition laws, 307

Oughton, Dr. J. H., statement on Keeley cures, 126

Outlook, The, 315

Pacific Coast, experiments on, 191

"Padlock" Law, in Canada, 343

Page, Walter Hines, work in North Carolina, 206

Palo Alto, Calif., high school award, xxxii, *note*

Parents, anxiety, 388; appeal in behalf of, 383 *et seq.*

Paris, arrests per 10,000 population, 372; graphs of arrests, 373; Quebec Liquor Commission office in, 326

Parliament, action in Ontario, 355

Pawtucket Associated Charities, 102

Pearl, Dr. Raymond, 319; experiments on alcohol effects on posterity, 310

Penalties, revenue from, 145

Penn's Grove, Pa., 16

Pennsylvania, beneficial effects of enforcement, 438; death rate above average, 76; example of, 438; grape crop, 271; high death rate from alcoholism in, 84; not definitely wet, 305; on average prices of alcoholic beverages, 115; under Governor Pinchot, 165; value of crops, 214; wealth of, 213

Periscope, The, 247

Permits, cancellation of, 347; refused to persons under 21, 340; required in some provinces, 328; surveillance of plants holding, 179; table of grants in districts of Montreal and Quebec, 336; table of grants in Montreal, 335

Philadelphia, enlargement of dry forces, 168; situation in, 185; youth in maternity homes, 43

Photoplay, The, 9

Physicians, abuse of prescriptions, 194; attitude of, 55 *et seq.;* custom of prescribing alcohol, 62; division on alcohol as medicine, 57 *et seq.;* Federal permit to, 69; interference with proper relation between patient and, 61; rural *vs.* urban, 58; steady disuse of alcohol by, 66

Pinchot, Gifford, administration, 441; cited on enforcement, 439 *et seq.;* efforts of, 196; energetic enforcement of the Eighteenth Amendment, 165; on amount of liquor in Pennsylvania in 1923, 438

Pittsburgh, Pa., amount of whiskey in, 438; youth in maternity homes, 43

Pittsburgh Associated Charities, 102

Plainfield Charity Org. Society, 102

Plain Talk, 153

Plan, embodiment of Hoover's principle, xxxv; personnel, xxxv; proposed, xxxv; survey, (*see* separate item); to be established, xxxv; work of, xxxv

Pneumonia, death rate, 234, 352; increase in mortality from, 94, 232; mortality among alcoholic patients, 65; on rise, 96

Poisoned beverages, deaths from, 76

Police, increased strictness of, 119; questionnaire on strictness, 121

Police Department of Washington, D. C., on arrests, 39

Police Records, on average age of criminals, 40

Politics, and the Eighteenth Amendment, 161; campaign funds, 230; effect of organized crime on, 150; enforcement taken out of, 161, 177, 193; in enforcement, 228 *et seq.;* in Great Britain, 361 *et seq.;* out of Detroit situation, 192; presidential campaign of 1928, xxi, 299, 323, 415; Republican policy, 385; State votes in 1928, 301

Population, increase in, 363

Portland Associated Charities, 102

Porto Rico, on average prices of alcoholic beverages, 115

Port wine, average price, 115

Post, New York Evening, testimony on bootleggers, 189 *et seq.*

Pound, Roscoe, xxix

Poverty, increased, 90; prevalence, xxiii

Presbyterian Standard, Charlotte, on State Prohibition, 201

Prescriptions, abuse by physicians, 194; die hard, 62; extent of, 55; for medicinal measures, 69; of liquor unfit for beverage, 69; percentage of books used, 70; sale by, 209

President's Conference on Effectuating the Eighteenth Amendment, xxxv

Press (*see* Newspapers)

Prices, enormously increased, 116; high for bootleg liquors, 447; increased by excise duty, 346; of alcoholic beverages, 115;

Prices—*Continued*
prohibitive for poor, 147; request for lower, 342; table for alcoholic beverages, 115

Princeton University, drinking in, 50

"Principles of Hygiene," published by Government of Quebec, 352

Prison, commitment, 49 *et seq.*

Production, alcohol in economic sense, 134; decrease in beer till 1920, 368; limited for industrial alcohol, 146; of denatured alcohol, 133; savings on beverage alcohol, 143; transference from alcohol, 132

Productivity, of labor and capital, 144; Prohibition an aid to, 137; reduction of, 131

Prohibition, adds to wealth, 129; abuse of drink, 20; aid of unrelated forces, 208; aid to individual productivity, 137; arrest in war-time, 349; blow to poverty, 104, 148; breach in dike, 191; by an employer, 18; by law, 18; classes drinking under, 116; considered by students of economics, 179; defined by Hoover, xxxvi *et seq.;* diversion of money, 235; effect on children, 24 *et seq.;* effect on properties, 143; effect on public health, 96 *et seq.;* efficiency linked with, 31; effectiveness, 198; in interest of safety, 445 *et seq.;* in Ontario, 354 *et seq.;* in United States, (*see* National Prohibition *and* State Prohibition); issue, xxi; lightens mortality of women and children, 85 *et seq.;* money gained by, 132 *et seq.;* of drinking impractical, 29; opposition limited, 22; reason for public, 445; result of mechanization of life, 444; result of "new code of social ethics," 444; savings in annual income on account of, 135; substitute offered, 379; summary of, 454; Taft expression on, 457; temporary reaction of lawlessness, 117; weight of evidence for, 36

Prohibition Agents, answer to killing by, 153, 156; armed with warrants, 157; complaints against methods, 153 *et seq.;* corruption of, 150 *et seq.;* day of, 173; experience, 173;

Prohibition Agents—*Continued*
favoritism, 150; graft, 150; improvement in appointments, 158 *et seq.;* in local affairs, 172; killed by violators of the Volstead Act, 156; kinds of people killed by, 153 *et seq.;* now subject to Civil Service, 163; overworked, 173; removal from politics, 164; resistance upheld, 158; table of arrests in North Carolina, 207; telephone eavesdropping, 154; three-quarters of the old force disqualified, 164; wet, 152

"Prohibition and Prosperity," Samuel Crowther, 148

"Prohibition and Public Health," Haven Emerson, 105

"Prohibition at Its Worst," Irving Fisher, 37, 56, 129, 281, 308, 442; criticism of Moderation League, 121; on drunken drivers, 123; on laboratory experiments, 135; rate of arrests in, 123; textbook for temperance education, 308

"Prohibition, Legal and Illegal," Howard Lee McBain, 333

"Prohibition Mania: A Reply to Professor Irving Fisher and Others, The," Clarence Darrow and Victor S. Yarros, 3, 403

"Prohibition Still at Its Worst," Irving Fisher, xxi, xxiii

Prohibition Unit, xxxii, 283; expenditures, 145; examinations for position in, 163; on hospitals for alcoholics, 126 *et seq.;* organization of, 172; relation to Treasury Department, xxxix

Prosecutions, table contrasting United States and Quebec, 358

Prostitution, offenses fallen off, 101; police activity, 52; problem in Harlem, 51

Providence, R. I., arrests for drunken driving in, 114

Providence Family Welfare Society, 102

Provincial Liquor System, effectiveness of, 334 *et seq.*

Public opinion, dry view, 297, 307; effect of, 216

Public sentiment, overwhelmingly for Prohibition, 300; wet view, 291, 296

Public Welfare, Department of, alcoholic discharges, 118

Public Welfare Bureau, Portland, 103

Purdy, Lawson, correspondence with Fisher, 123; figures questioned, 117; on arrests for drunkenness, 107 *et seq.*, 203

Quart Law, contents, 209

Quebec, arrests for drunkenness, 349; dispensary system, 348 *et seq.;* experience in, 347; health statistics, 352; permits, 328; taverns in, 330; warehouses in, 325

Quebec Liquor Commission, annual turnover, 325; annual report, 335 *et seq.;* invasion of "no license" territory, 335; police department, 326; power of interdict, 328; regulations for "no license" territory, 329; report, 343; report of police department, 344 *et seq.;* report on sales, 344; report on "stills," 344; Secret Service inspectors, 344; testing laboratory, 326; warehouses, 325

Quebec Plan, of government dispensaries, 324 *et seq.;* trial by States, 334

Radio, expansion aided by Prohibition, 34; means of relief, 9; substitute for saloon, 449

Raids, five to fifteen a day, 174

Raines Law, old-time abuses, 93, 335

Raisins, export, 276; in distilled spirits, 278; money spent for advertising, 276; not included in Fox estimates, 269, 275; production in California, 275; uses of, 275, 276

Raskob, John J., champion of personal liberty, 442; cited on Smith wet leadership, 298; on lack of respect for law, 23 *et seq.;* on Prohibition application, 413 *et seq.;* in minority, 33; plea for personal liberty, 24

Reed Amendment, 209

Reed, C. A. L., therapeutic against use of alcohol, 62

Reed, James A., attempt to embarrass drys, 210; testimony before Senate Committee, 285

Registrar of Motor Vehicles, on increase of automobiles, 114; on increase in arrests for drunken driving, 114

Relaxation, changes in means, 35; from restriction of the field of consciousness, 11; man's need for, 3, 8; means for securing, 9 *et seq.;* new instruments of, 8 *et seq.;* of nerves, 12 *et seq.;* reason for advocating alcohol, 55

Religion, cults of artificial inspiration, 8

Remedy, of abuses, xlii

Repeal, dry view of, 387 *et seq.;* impossible, 391; sought, 422 *et seq.;* States voting for, 307; wet view, 379 *et seq.*

Rhode Island, alcoholism death rate, 95; avoided alignment on Prohibition, 304; death rate above average, 75; failure to ratify, 303, 381; State Prohibition laws, 291; wet in 1928 election, 301

Riddell, cited in manslaughter case, 356 *et seq.*

Rights, Bill of, 417; check placed by society, 30; endangered, 155; interference "tyranny," 57; Jefferson's stand on, 384; now no question of, 179; of citizens ignored, 430; of property, 153; of public, 15 *et seq.*, 21; personal endangered, 24 *et seq.;* propaganda, 453; public *vs.* private, 30; question of fair play, 393 *et seq.;* restricted by complex civilization, 395; surrender of, 225

Ritchie, Albert E., for nullification, 82; frankly wet, 304; support of, 432 *et seq.*

Roadhouses, reduction, 343 *et seq.*

Roanoke, Va., youth in maternity homes, 43

Robbery, penalties, 158; sensational, 101 *et seq.*

Rochester Social Welfare League, 102

Rogers, Dr. Oscar H., cited on mortality rate among drinkers, 319

Rolleston, Dr. J. D., cited by Comby, 67

Roosevelt, Franklin, correspondence with Wickersham, 424; support of, 432 *et seq.*

Roosevelt, Theodore, 400

Root, Elihu, cited on law, 437

Royal Commission of Inquiry, 361

Rum Row, abolition of, 178, 189; dwindling, 193

Rum running, 189 *et seq.;* boats captured in, 194; how to cope with, 191 *et seq.*

Rum, shipment into New York, 189 *et seq.*

Russell Sage Foundation, xxxv, 107

Rutherford, N. J., per cent of drunkenness arrests, 108

Rye whiskey, average price, 115

Safety, menaced by drink, 34 *et seq.*

Safety Congress of the National Safety Council, data on increased dangers on highways and in factories, 35, *note*

St. Louis, per cent of arrests in, 91; situation in, 185

St. Pierre, 193

Sales, government, 355; hours in Canada, 327 *et seq.;* increased, 336 *et seq.;* tables for province of Quebec, 337; table for Quebec, 331; table of per capita in province of Quebec, 337; table of Quebec Liquor Commission, 337

Saloon, abolition of, 394; abolition of private, 382; against open, 380; Alfred E. Smith on side of, 412; all for abolition of, 444; arrests under era of, 123; closing of, 39; early efforts to abolish, 291; evil of, 324; jail offenses under, 243; licensed, thing of past, 439; not wanted, 179; period, 231 *et seq.;* State prevention of, 426; substitute for, 449; supplanted, 34; supplanted by automobile, 10; (*see also* Taverns)

Salvation Army, energies diverted, 42; for Prohibition, 393; maternity home of, 53; statistics on maternity homes, 43; testimony of, 41 *et seq.*, 52; testimony of improvement, 436; unit in France, 42

Saskatchewan, drink bill, 338; permits in, 328; Prohibition in, 293; taverns in, 330

Schools, effect of Prohibition on, 201; increase in voluntary attendance, 105; (*see also* Education)

Scientific Temperance Federation, 314

Scientific Temperance Federation of Boston, 126; questionnaire results, 66

Scientific Temperance Journal, cited on temperance education, 314 *et seq.*

Scotland, increase in production, 368

Scott, R. H., cited on saloon *vs.* automobile, 31

Seattle Social Welfare League, 103

Selden, Charles A., cited on British temperance, 364 *et seq.*

Senate, passes Bruce Bill, 168

Sherry, average price, 115

Shootings, record of, 152 *et seq.*

"Shot in the Back," Edward I. Edwards, 153

"Should We Obey the Prohibition Laws?" Fisher and Franklin debate, 409

Sioux Falls County and City Welfare Association, 103

Sleep, compare with alcoholic relaxation, 12; paralysis resulting, 3; psychological phenomenon, 12

Sloan, Alfred P., Jr., supporting Hoover, 31

Sloan, William M., 309

Smith, Alfred E., advance on Butler's proposal, 381; appeal for change, 398; battle cry of, 389; campaign for the Presidency, 24; champion of personal liberty, 442; cited by Dry Anti-Smith Democrats, 412; cited on amendment, 380; on effect of alcohol on efficiency, 139; on impossibility of enforcement, 424; on police record, 421; on repeal, 379 *et seq.;* for nullification, 82; frankly wet, 297, 304; measure of "immediate relief," 438; policy of relaxation, 406; practicality of plan, 390 *et seq.;* promise, 382; reasons for repeal, 383; recommendation, 401; responsibility for ineffective enforcement, 413; speech on amendment, 323 *et seq.;* view adopted by, 421; wet record, 412 *et seq.*

Smuggling, boats, 186; Connecticut Coast adapted to, 224; daytime, 186; dry view, 190; from foreign countries, 185; on high seas, 193; quantities, 184; suppression of liquor, 428; wet view, 184 *et seq.*

Snyder, Carl, data received from, 149, *note*

Social Hygiene, Bureau of, fund given to Committee of Fourteen, 51

Society, effect of drinking on, 28; effect of Prohibition on, 42; moral obligation to, 419

Society Islands, 193

"Some Have Stopped Drinking," Evangeline Booth, 53

"Some Thoughts and Talks on Prohibition," Hudson Maxim, 91

South Carolina, drunkenness arrests in, 109; dry in 1928 election, 301; experiment, 446; State Prohibition laws, 307

South Carolina Dispensary Law, bootlegging broke down, 343

South Dakota, dry in 1928 election, 301; State Prohibition laws, 291, 307

Speakeasies, cause of moral decline, 92; few sales to minors, 41; furtive, 440; hostess game, 44; immorality, 43; outnumber old licensed saloons, 78; part in prostitution, 51; Prohibition in New York City, 44; raided for failure to pay graft, 176; State prevention of, 426; youth ensnared in, 93

Spence, Ben H., evidence proffered by, 336 *et seq.*

Springfield, Mass., arrests for drunken driving, 114

Springfield Family Welfare Ass'n, 103

Spirits, regulation for, 326 *et seq.*

Sport, substitute for alcohol, 10, 14

Stamford, Conn., 236

Stamford Family Welfare Society, 102

Standard of living, effective law an expression of, 173; higher, 119; higher in Connecticut, 232; increase in, 116; raised through re-routing of money, 148

Star, Toronto, 336

Starling, Prof. E. H., advocates of alcohol, 55; concession to, 9; conclusions arrived at, 4; on use of beverage alcohol, 3

State laws, effectiveness under, 166; violations of, 176

State Medical Association, on use of medicinal alcohol, 209

State Prohibition, Connecticut not desirous of, 225; effects of, 199; in North Carolina, 205 *et seq.;* local option, xxxviii; results of first adoptions, 291 *et seq.*

States, acting with popular approval, 323; analysis of referenda, 306; borders imaginary, 389; concurrent jurisdiction with National Government, 426; co-operation, 441; courts of, 438; definition of intoxicating liquor, 399; determination of prohibition of other than beverages, 59; determination of wet and dry issue, 389; dry, 301, 305; dry majorities, 302; fix own standard, 323; hard to move, 389 *et seq.;* individual control, 333; law on alcoholic prescriptions, 69; laws against drinking, 29; laws of 1919, 380 *et seq.;* majority for Prohibition, 393; manufacture and sale in, 324; number needed for defeat, 391; permission to define content, 401; popular referendum, 382; popular vote on Prohibition, 293, 295; power to prohibit, 28; pride in management, 429; prohibitive measures, 370; ratification votes, 303; referendum, 413; result of referenda, 386; right to legislate, 380; safeguarding rights of dry, 380; so-called "dry," 11 *et seq.;* so-called "wet," 111 *et seq.;* sustentation of Amendment in inland, 46; typically dry, 198; wet, 301, 305; wet governors, 304

Strawbridge, Mrs. George H., example set by, xxix

Strawn, Silas Hardy, cited on crime wave, 90, 150 *et seq.*

Stayton, W. H., cited on Keeley cure, 112 *et seq.;* refutation of, 126 *et seq.*

Sterling, Senator, champion of civil service, 164

Stevenson, Archibald E., cited on constitutionality, 381

Stills, number seized, 358

Stockard, experiments on effects of alcohol on posterity, 311

Stoddard, Cora Frances, cited on temperance instruction, 314; citing Dr. Oughton, 126

Stoeckel, Robbins, cited on drunken drivers, 36; on reasons for Prohibition, 445; correspondence with Fisher, 36

Sugar, increased production of corn, 279; industrial uses of corn, 280; medical use of dextrose, 279; sweetening values of, 279; uses of glucose, 279

Sullivan, cited on effect of alcohol on efficiency, 139

Sun-Maid Raisin Growers, 276

Supreme Court, bowing to public opinion, 400 *et seq.;* case of medicinal alcoholic spirits, 55; case on wire-tapping, 154 *et seq.;* cases, 28; cited on alcoholic prescriptions, 69; on constitutionality, 413; object of Prohibition, 28; cited on power of Congress, 333 *et seq.;* cited on power of State to prohibit, 28 *et seq.;* condemnation of, 432; decision on trials for violation, 155; decisions of, 70 *et seq.,* 160; in Rhode Island and New Jersey cases, 177; rejection of case, 381; rejection of Dr. Samuel W. Lambert's plea, 66; sustentation of Volstead Act, 55

Survey, xxxv *et seq.;* administrative aspect, xxxix *et seq.;* effect on labor, xli; judicial aspect, xl *et seq.;* legislative aspect, xxxviii *et seq.;* main subdivisions, xxxviii *et seq.;* method of proposed, xxxvi; mortality, xli; of conditions, 1900-1929, xxviii; recommendations of conference, xlii; scope, xxxvii; social and economic, xxxvi; social aspect, xl *et seq.;* time, xxvii

Survey Graphic, citing Emerson, 83, 84

"Survey of Recent Economic Changes in the United States," xxxvii

Sutherland, Justice, 59

Sweden, death rate in, 72 *et seq.*

Switzerland, death rate in, 72 *et seq.*

Tables, list of, xvii *et seq.*

Taft, William H., xxix; letter to Irving Fisher, 457

Talley, Alfred J., cited on evils of Prohibition, 92 *et seq.*

Taverns, illustrations, 359 *et seq.;* nearest approach to saloon, 330 *et seq.;* numerous, 348; substitute for saloon, 347 *et seq.;* women drinking in, 348

Taxes, effect of removal, 144 *et seq.;* license for narcotic drugs, 145; revenue from, 145

Temperance, claims of teaching, 312; program for schools, 317; progress made by early movement, 322; teaching by organizations, 322; (*see also* Education)

Temperance Reformers' Handbook, 366 *et seq.*

Tennessee, dry in 1928 election, 301; on average prices of alcoholic beverages, 115; saloons abolished, 291: State Prohibition laws, 307

Texas, drunkenness arrests in, 109; dry in 1928 election, 301; on average prices of alcoholic beverage, 115; value of crops, 214

Thayer, William Sydney, cited on intemperate Federal laws, 56 *et seq.*

Theater, affected by Prohibition, 34

Tilney, Frederick, 88; study of the human brain, 88

Times, New York, 362; cited on Prohibition as an issue, 299; on reform, 190; citing Butler, 416; Dr. Bigelow, 79; Gilbert, 143; Grover Whalen, 44; Kirchwey, 101; Mrs. Willebrandt, 150, 158, 185; Purdy, 107; Selden, 364; Wickersham, 407; Wilson, 361; dispatch from Chicago, 44; routing of "Rum Row," 159

Times, Raleigh, cited by Literary Digest, 200

Toronto, arrests in, 355; testimony of Chief Constable, 355 *et seq.*

Traffic, Liquor, 29, 175

Transition, period of, 231 *et seq.*

Treasury Department, 191; effort to prevent misuse of arms, 157; regulations under, xxxviii

Treaties, against smugglers, 194; for foreign co-operation, xxxix! for twelve-mile limit, xxxix; on smuggling, 178

Tribune, Cincinnati, report of, 40 *et seq.*

Tribune, Great Falls, liquor survey, 41

Tuberculosis, connected with alcoholic consumption, 98; death from, 238; death rate, 234, 352, 355; decline in, 98; improvement in, 94; increase, 232

Turner Homer, experience of, 173

Turnover, of liquor in Detroit, 189

Typhoid, alcohol in, 64 *et seq.*

Unemployment Conference, Harding's, work continued by Hoover, xxxvii

United Charities of Chicago, 103

United Charities of Wilkes-Barre, 102

United States, alcohol production, 195; comparative mortality rate, 374 *et seq.;* customs lax, 187; death rate in, 86; decline in general crime rate, 101; decrease in consumption, 447; disuse of alcohol, 65 *et seq.;* enforcement officers, xxxviii; graph for intoxication arrests, 120; graph on growth of savings, 149; increase in motor vehicles, 113; mortality of adult men, 94; new pace set by Prohibition, 31; 1928 election, 296; one-fifth of population indulging, 116; on liquor traffic, xxxviii; parental anxiety, 388; per capita consumption, 331 *et seq.;* percentage of criminality, 101; per cent of divorces due to drunkenness, 106; physicians' opinion on alcohol, 58; police records, 422; prevailing religion of, 405; questionnaire one-third of the physicians, 61; sections not favorable to the Eighteenth Amendment, 170; smuggling to, 186 *et seq.;* sources of supply in, 192; stills seized, 358; systematic war by international criminals against, 157; table of arrests for intoxication in, 124; tenth in work of prolonging human life, 72; wets in, 361; wettest city in, 37

United States Brewers' Association, 16, 246, 256, 258; blacklist, 443

Utah, dry in 1928 election, 301; on average prices of alcoholic beverages, 115; State Prohibition laws, 307

Vagrancy, offenses fallen off, 101

Vermont, death rate above average, 76; State Prohibition laws, 291; wet in 1928 election, 302

Vernon, cited on effect of alcohol on efficiency, 139

Vicksburg, Pa., per cent of drunkenness arrests, 109

Virginia, drunkenness arrests in, 109; dry in 1928 election, 301; State Prohibition laws, 307

Volstead, Andrew J., engaged in preparation of bill, 162

Volstead Act, 178, 258, 282; absence of perfection, 431; amendment to, 323, 398; application in absence of enforcement measures, xxxix; commercial vice through, 43; comparison with Federal Statutes, xxxix; crime in enforcement of, 90; defects in, xxxviii; definition of intoxicating liquors, 432; efforts to nullify, 181; lax enforcement, 45; legislators for, 391; liberalization impossible, 390 *et seq.;* new line of endeavor for underworld under, 387; on alcoholic prescriptions, 69; on definition of alcohol content, 324; overzealous officers, 150; participation in drafting, 393; passage of, 69; penalties, xxxviii *et seq.;* statements prophetic of, 383; relaxation, 423; Smith's recommendation, 401; States in harmony with, 107; violation not heinous, 190; Wilson's veto, 384

Waddell, Lieut.-Col. James C., cited on enforcement, 420

Wales, death rate in, 72 *et seq.*

Washington, George, creed of, 409; quoted, 385

Washington, dry in 1928 election, 301; State Prohibition laws, 307

Washington, D. C., arrests for drunken driving in, 114; arrests of minors, 39 *et seq.;* Police Superintendent on change in legal action, 47 *et seq.*

Washington Associated Charities, 103

Washingtonian Home, Chicago, 127

Waterbury, Conn., 236

Webb, Judge, cases for violations, 201 *et seq.*

Webb-Kenyon Law, 317

Weeks, Dr. Courtenay C., views of, 67

Welch, William H., 309

Wells, Gabriel, in debate, 393

Westergaard, Prof. H., cited on Prof. Pearl's book, 320

West Virginia, death rate above average, 76; dry in 1928 election, 301; on average prices of alcoholic beverages, 115; saloons abolished, 291; State Prohibition laws, 307

Wet States, dispensary system for, 382; rights of, 381, 393

Whalen, Grover, cited on speakeasy problem, 44; definition of speakeasy, 44, 47

Wheeler, Wayne B., address on benefit of Prohibition, 47; coworker with Volstead, 162; derision for Whalen's definition of speakeasy, 47; favored Civil Service, 164

Whiskey, decline in consumption, 365; export, 188; in acute infectious diseases, 58; in Pennsylvania, 438; least for medicinal uses, 178; necessary therapeutic agent, 58; no pure, 77; pure taken with impure, 81; secured by prescription only, 211; utilization of, 58

Whiskey ("White Mule" bootleg), average price, 115

White, Ralph H., questionnaire to high schools, 50

White, S. Harrison, complaint on inequality of enforcement, 152; in speech in Congress, 150 *et seq.*

White, William Allen, in debate, 393; views, 395

Whitney, biological experiments, 310, 319

Wickersham, George W., xxix; cited by Mrs. Colvin, 427; on modification, 429; on respect for law, 407; criticism of, 430 *et seq.;* ideas on indefinite modification, 432; letter to Roosevelt, 424

Willebrandt, Mrs. Mabel Walker, cited in New York Times, 158; on diversion, 447; on improvement of Prohibition force, 158; on protection at Detroit, 185

Willebrandt—*Continued*
et seq.; on smuggling, 193; on unfit men on Prohibition force, 150; citing New York Times, 159; criticism nullified, 190; whiskey export, 188

Willis, Frank B., testimony of corruption, 161

Willis-Campbell Act, passage, 69

Willys-Overland Company, 33

Wilmington, Del., 16; arrests, 202; youth in maternity homes, 43

Wilson, Clarence True, cited by Stayton, 112

Wilson, George B., cited on expenditure, 363

Wilson, P. W., cited on liquor issue in Great Britain, 361

Wilson, Woodrow, 400; reason for veto of Volstead Act, 384

Wines, alcohol content, 288, 290; bottled by Quebec Commission, 325; consumption estimates, 266 *et seq.;* consumption table, 252; decentralized, 274; decline in consumption, 365; diseases relieved by, 58; estimated consumption for 1926, 248; grape (*see* Grapes); hard to buy, 226; helper of civilization, 7; increase in consumption, 366; in unlimited quantities, 327; kinds of illicit, 251; legitimate uses, 251; made in homes, 271; manufactured, 211; necessary, 58; 1926 consumption estimates, 247; other than grape, 270; per capita consumption, 277; production, 274; regulations for, 326 *et seq.;* sacramental, 178; served with meals, 327; substitute for whiskey, 58; table grapes used for, 273; waste in making, 274

Windsor, Ontario, 186

Wisconsin, at polls, 386; a wet State, 304 *et seq.;* on average prices of alcoholic beverages, 115; Prohibition referendum, 294, 306; ratification of Eighteenth Amendment, 303; value of crops, 214; wet in 1928 election, 302

Wisconsin, University of, drinking in, 50

Woman's Christian Temperance Union, 309, 314

Women, drinking by, 53

World League Against Alcoholism, 265, 448

World, New York, 398; cited on Salvation Army survey, 41; Lippmann cited in, 390

World's Work, Graves cited in, 208

World War, 257

Wright, Major William Burnet, Jr., aid of Pinchot, 439; correspondence with Irving Fisher, 165, 196

Wyoming, dry in 1928 election, 301; temperance education requirements, 314

Yale University, 25; Doran speech to students of, 176; hostility to Eighteenth Amendment, 226; Taft speech at, 457

Yarros, Victor S., 3; cited on law, 404 *et seq.;* on sources of illegal consumption of alcohol, 225; citing Dana, 3 *et seq.;* Muensterberg, 4; Starling, 42

Yearbook of the Department of Agriculture, 262

Young Men's Christian Association, for Prohibition, 392

Young, Owen D., cited on Prohibition, 397

Youth, age of prison commitment, 49; dangerous age, 41; demoralization, xxiii; disregard of law, 90; drinking an adventure, 54; effect on (dry view), 45 *et seq.;* effect on (wet view), 37 *et seq.;* effect on Canadian, 340; first convictions for drunkenness, 47; increase of arrests, 38; independence of parental authority, 52; ostentation of, 226; Smith on morals of, 384; spirit of adventure, 229

Zimmerman, Fred R., silent on Prohibition, 304

Date Due

FACULTY

HV5089 .F53
The "noble experiment"
Princeton Theological Seminary–Speer Library
1 1012 00140 1092